COMPILATION

OF

STANDING ORDERS

OF THE

GOVERNMENT OF BOMBAY

IN THE

GENERAL DEPARTMENT

Corrected up to 31st March 1901.

CONSERVATOR OF FORESTS
BOMBAY
SOUTHERN CIRCLE

BOMBAY:
PRINTED AT THE GOVERNMENT CENTRAL PRESS.
1901.

INDEX.

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No.	Heading.	Subject.	Government Order.
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15	DRESS	Native Officers wearing shoes of Indian fashion should remove them within the customary limits.	G. Circular, Political Department, No 3150, dated 9th October 1867. G. R., General Department, No. 722, dated 20th April 1868.
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No.	Heading.	Subject.	Government Order.
17	FINES	Fines levied by Heads of Departments from their subordinates should not be appropriated at the discretion of officers imposing them.	G. R., Financial Department, No. 4113, dated 5th October 1876.
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20	INSOLVENCY AND INDEBTEDNESS.	*Government Servants*: Insolvency and Indebtedness of Government servants entail liability to summary dismissal.	Notification dated 21st February 1855. G. R., Financial Department, No. 1323, dated 13th March 1877. G. R. No. 896, dated 30th March 1880. G. of I., Home Department, No. 300, dated 8th February 1880. G. R. No. 381, dated 4th February 1884. G. R. No. 648, dated 29th February 1888. G. R. No. 1444, dated 7th May 1888. G. R. No. 4409, dated 23rd October 1889. Circular No. 3596, dated 6th September 1890.
21	Do. ...	Exemption of section-writers, piece-work compositors and menials from the rule regarding dismissal of Government servants.	G. R. No. 3256, dated 29th September 1881. G. R. No. 2301, dated 20th June 1882. G. R. No. 2557, dated 8th July 1882.
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No.	Heading.	Subject.	Government Order.
22	LEAVE	Officers returning from furlough or privilege leave should call at the Secretariat on their arrival in Bombay and personally enquire their destination.	Revenue Department Circular No. 6727, dated 11th September 1883.
23	LEAVE OF ABSENCE .	Gazetted officers of all Civil Departments other than the Public Works Department should give the earliest possible intimation of their intention to apply for leave to the Private Secretary for the information of His Excellency the Governor.	G. R. No. 11, dated 3rd January 1895.
24	Do. ...	Officers granted long leave to Europe on account of ill-health will not be permitted to return to duty unless they first obtain a certificate of fitness for duty in India.	G. R., Financial Department, No. 3354, dated 31st July 1897.
	Do. ...	*See* "Appointments," No. 5.	
	Do. ...	*See* "Medical Certificates," No. 30.	
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25	LEGISLATION ...	Public Officers are not to address demi-official communications direct to the Legislative Department of the Government of India on the subject of Bills pending before the Council.	G. R., General Department, No. 872, dated 9th May 1868.
26	LITERARY WORKS ...	*Public Servants:* Servants of Government soliciting the patronage of the Secretary of State for works published by them in India should prefer their requests through the Government under which they serve.	G. R., Educational Department, No. 166, dated 11th February 1879.
	LOANS	*See* "Pecuniary Affairs," No. 58.	
27	MEDALS	Royal Humane Society — Grant of — by the — ...	G. R., General Department, No. 4691, dated 12th November 1895. G. R., General Department, No. 5314, dated 1st October 1897.
28	MEDICAL ATTENDANCE.	Government do not undertake to re-imburse to a public servant, who is entitled to gratuitous attendance of a Government Medical Officer or to medicines from a Government dispensary, fees he may have occasion to pay to a medical practitioner not in the public service.	Notification, Financial Department, dated 10th August 1877.
29	Do. ...	Rules regarding the attendance of Government Medical Officers on Government officers and servants.	G. R. No. 3495, dated 24th September 1884. G. R. No. 4243, dated 19th November 1884. G. R. No. 4508, dated 8th December 1884. G. R., General Department, No. 28, dated 10th January 1885. G. R., General Department, No. 996, dated 18th March 1885. G. R., General Department, No. 3593, dated 19th September 1885. G. R., General Department, No. 3535, dated 5th October 1886. G. R., General Department, No. 1263, dated 9th April 1891. G. R., General Department, No. 6283, dated 3rd December 1900. G. R., General Department, No. 6592, dated 20th December 1900.

No.	Heading.	Subject.	Government Order.
30	MEDICAL CERTIFICATE.	Medical certificates should ordinarily be accepted only from Government Medical Officers who are under Government control and supervision, except in cases in which they are required to justify mere casual leave of absence.	G. R. No. 130, dated 16th January 1884.
31	MEMORIALS... ...	Rules regarding the submission of memorials by officers in the Civil employ of Government.	G. R. No. 3452, dated 6th November 1876. G. R. No. 2883, dated 14th October 1879.
32	NATIVE CHRISTIANS.	Addition of caste designation to the names of Native Christians prohibited.	G. R., Judicial Department, No. 4782, dated 9th September 1873.
	NEWSPAPERS ...	*See* "Official Conduct," No. 36. *See* "Official Information," No. 55. *See* "Official Reports," No. 56. *See* "Press," No. 64.	
33	OFFICIAL CONDUCT...	Whenever any officer causes a public scandal by inebriety or otherwise, his case should be reported for the orders of Government.	Circular, Revenue Department, No. 3379, dated 5th September 1868.
34	Do. ...	*Government Servants*: Public servants are prohibited from assisting private individuals in making petitions to Government.	Government Notification dated 30th September 1848. Government Circular No. 2541, dated 20th June 1851. Notification dated 13th August 1873.
35	Do. ...	*Government Servants*: Officers lent to Municipalities, Native States and Railways shall receive only the remuneration agreed upon or sanctioned by the Government of India in their behalf, and the officers so lent shall remain, while on outside service, subject to the general and disciplinary rules which apply to officers on active Government service.	G. R. No. 2098, dated 31st May 1889.
36	Do. ...	*Government Servants*: Procedure to be followed by Government servants for the vindication of their acts as public functionaries.	G. R. No. 214, dated 22nd January 1874. G. R., Judicial Department, No. 3103, dated 17th May 1876. G. R. No. 4097, dated 11th October 1890. G. R. No. 3115, dated 18th June 1900.
37	Do. ...	Prosecution for libel requires permission of Government ...	Circular, Judicial Department, No. 2071, dated 4th June 1870.
38	Do. ...	Persons concerned in the corrupt receipt of money are to be dismissed from office.	G. Circular, Political Department, No. 3778, dated 28th August 1852.
39	Do. ...	In all cases of entries of the names of Government servants in accounts as receivers of bribes enquiries should be made as to the probability of other proof being forthcoming.	G. Circular, Revenue Department, No. 6183, dated 10th November 1850. G. Letters, Revenue Department, Nos. 8782 and 8783, dated 30th November 1850.
40	Do. ...	Use of Government paper and service stamps for correspondence of a personal nature prohibited.	G. R., Financial Department, No. 792, dated 3rd March 1882.
41	OFFICIAL CORRESPONDENCE.	All official correspondence should be transmitted with as much regard as practicable to the saving of weight by post.	Postal Department Circular to the Revenue Department, No. 61, dated 29th July 1855. G. R. No. 24, dated 5th January 1870.

No.	Heading.	Subject.	Government Order.
42	OFFICIAL CORRESPONDENCE.	Orders of the Government of India regarding the use of vernacular terms in official correspondence.	G. R. No. 139, dated 15th January 1874. G. R. No. 564, dated 16th February 1881. G. R. No. 901, dated 5th March 1895.
43	Do. ...	Form of addressing, numbering and dating official correspondence.	G. R. No. 1407, dated 4th May 1876.
44	Do. ...	Directions to Heads of Offices, whenever they propose that particular persons or classes should be required by Government to take, or to refrain from taking, any particular action, to quote the law bearing on the subject.	G. R. No. 4576, dated 26th December 1888.
45	Do. ...	No Head of an Office, who has not been specially authorized so to do, should communicate officially on official matters direct with Government officers in the United Kingdom or the Colonies.	G. R. No. 3301, dated 15th August 1889. G. R. No. 3615, dated 2nd September 1889. G. R. No. 721, dated 13th February 1890.
46	Do. ...	Demi-official correspondence: Rules regarding the noticing of — in official correspondence.	G. R., General Department, No 3078, dated 31st August 1891.
47	Do. ...	Officers in India should not communicate in their official capacities with private companies, inventors or manufacturers in England.	G. R. No. 6148, dated 9th November 1897.
48	Do. ...	Information required by the Government of India regarding matters of political or administrative importance or events which have excited public interest.	G. R. No. 5496, dated 11th October 1897. G. R., Judicial Department, No. 4810, dated 13th July 1898. G. R. No. 1987, dated 9th May 1899. G. R. No. 5223, dated 4th October 1900. G. R., Judicial Department, No. 223, dated 10th January 1901.
49	Do. ...	Telegrams addressed to Government should specify the Departments for which they are intended.	G. R. No. 6502, dated 28th November 1898.
50	Do. ...	Rules regarding the treatment of Confidential correspondence.	G. R. No. 1001, dated 18th March 1882.
51	Do. ...	Docketting of letters submitted to Government by District Officers.	Revenue Department Circular No. 11 88, dated 26th November 1851. G. R., Financial Department, No. 2554, dated 20th August 1874.
52	Do. ...	All printed documents are to bear the date of their despatch and not that on which they were sent in manuscript to the Press.	G. R., Revenue Department, No. 2668, dated 10th May 1873.
53	Do. ...	Charge for deficient postage on official letters should be borne by the receiving office.	G. R., General Department, No. 2172, dated 27th October 1866. G. R., General Department, No. 2534, dated 20th October 1870.
	Do. ...	*See* "Appointments," No. 5.	
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54	OFFICIAL DOCUMENTS	Rules regarding the communication of Government Resolutions and documents to private individuals or companies.	G. R., Political Department, No. 4382, dated 13th September 1881. G. R. No. 2958, dated 24th September 1887. G. R. No. 3776, dated 26th August 1896.

No.	Heading.	Subject.	Government Order.
55	OFFICIAL INFORMATION.	Information received by Government officers in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.	G. R. No. 155, dated 22nd January 1879.
56	OFFICIAL REPORTS...	No official reports, &c., to be supplied by Government officers to newspapers without authority from Government. Communication to editors of respectable newspapers of correct facts of occurrences, which excite public interest.	G. R. No. 3193, dated 4th September 1884. G. R. No. 560, dated 17th February 1885. G. of I. No. 22A, dated 3rd June 1885. Circular, Judicial Department, No. 3325, dated 10th May 1898.
57	OFFICIAL TIME ...	Keeping of Madras time in all offices except in Bombay and Aden.	G. R., General Department, No. 3724, dated 8th November 1881. G. R., General Department, No. 1820, dated 29th May 1883.
58	PECUNIARY AFFAIRS.	*Government Servants*: Pecuniary relations of Government officers with persons subject to their authority. Borrowing of money by Covenanted and Uncovenanted Civil Servants.	Circular, Revenue Department, No. 394, dated 4th February 1843. Circular, Revenue Department, No. 956, dated 27th March 1844. G. R., Political Department, No. 551, dated 7th February 1860. G. R. No. 91, dated 11th January 1884. G. R. No. 1154, dated 14th April 1888. G. R. No. 502, dated 31st January 1890. G. R. No. 2468, dated 19th July 1892. G. R. No. 4906, dated 4th November 1896. G. R. No. 3566, dated 2nd July 1897.
59	Do. ...	*Public Servants*: Moneys, &c., held by Government servants in their official capacity must be deposited in the Government Treasuries.	G. R., Financial Department, No. 1196, dated 15th April 1874.
60	Do. ...	*Fees*: Government servants are not to receive fees or commissions without the sanction of the Government of India.	G. R., Public Works Department, No. 97-C.W.—367, dated 10th September 1874.
61	POLITICAL MOVEMENTS.	Rules regarding the attitude to be maintained by Government servants towards political or quasi-political movements.	G. R. No. 1461, dated 15th April 1890. G. R. No. 527, dated 3rd February 1899.
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63	Do. ...	Acceptance of presents by retired Government servants ...	G. R. No. 279, dated 22nd January 1889.

No.	Heading.	Subject.	Government Order.
64	PRESS	*Government Servants : Newspaper.*—Connection of officers in the service of Government with newspapers and writing to the press.	Notification dated 26th July 1875. G. R. No. 3952, dated 24th September 1889. G. R. No. 5318, dated 24th December 1889.
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	PUBLIC COMPANIES...	*See* "Trade and Commerce," No. 76.	
65	PUBLIC OFFICES ...	Using of public offices for private purposes prohibited ...	Government Circular, General Department, No. 659, dated 6th March 1837. Government Circular, General Department, No. 3056, dated 7th November 1837. Government Notification, General Department, dated 26th March 1844.
	Do. ...	*See* "Sundays—Observance of," No. 71.	
66	PUBLIC SERVANTS ...	Public Servants should not be employed in making purchases or in any private matter in which the receipt or expenditure of money is concerned.	G. R., Judicial Department, No. 425, dated 25th January 1873. G. R., Judicial Department, No. 3126, dated 5th June 1873.
67	PURCHASE OF PROPERTY.	Public Officers are to exercise caution when making purchases of landed property on behalf of Government.	G. R., Educational Department, No. 16, dated 8th January 1873, and General Department Memorandum No. 147, dated 15th January 1873.
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68	SALE OF PROPERTY.	Rules regarding the sale of property to Natives by British officers, whether Civil, Military or Uncovenanted.	G. of I. No. 1667, dated 30th September 1868. G. R. No. 3358, dated 8th October 1881. G. R. No. 299, dated 28th January 1882.
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69	SUBSCRIPTIONS ...	Government Officers should not ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects, except with the previous sanction of Government.	G. R. No. 3584, dated 31st August 1889.
70	Do. ...	Official agency should not be employed for the collection of subscriptions on behalf of any memorial or reception fund, or of any object, without the previous sanction of Government.	G. R., Revenue Department, No. 2936, dated 30th April 1890.
71	SUNDAY—OBSERVANCE OF.	Cessation of official business and public works on Sundays.	Government Notification, General Department, dated 26th January 1843. Government Circular, Revenue Department, No. 2836, dated 13th July 1846.
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72	TELEGRAMS TO SECRETARY OF STATE.	Intelligence of great importance to be transmitted to the Secretary of State by telegram.	G. R. No. 634, dated 12th March 1869.
73	TRANSFERS	No Head of an Office shall offer an appointment to any employé in another office except through the channel of his immediate superior.	Government Circular No. 1910, dated 16th June 1856.
74	Do.	Offers of employment to officers subordinate to one Local Government by another Local Government should be made through the Local Government or Administration.	G. R. No. 270, dated 24th January 1888.

No.	Heading.	Subject.	Government Order.
75	TRANSFERS	*Leave and Appointment*. Rules regarding the transfer of officers from one establishment to another and the acceptance by Government officers, whether on leave or not, of other employment, with the consent of their departmental superiors.	G. R., Financial Department, No. 491, dated 17th February 1888. G. R., Financial Department, No. 2635, dated 6th June 1899.
	Do.	*See* "Appointments," No. 5.	
76	TRADE AND COMMERCE.	Connection of Government servants with trading, money-lending, holding of land, Joint Stock Companies, banks and all other commercial speculations in India.	G. R. No. 2005, dated 16th November 1864. Notification dated 11th September 1872. G. R., Revenue Department, No. 1739, dated 25th March 1881. G. R. No. 1198, dated 3rd April 1882. G. R. No. 3000, dated 7th August 1882. G. R. No. 4472, dated 13th November 1882. G. R. No. 248, dated 24th January 1883. G. R. No. 3499, dated 24th September 1883. G. R. No. 893, dated 14th March 1884. G. R., Financial Department, No. 1183, dated 23rd April 1885. G. R. No. 2135, dated 9th June 1885. G. R. No. 3143, dated 11th October 1887. G. R. No. 3404, dated 29th September 1888. G. R. No. 1497, dated 17th April 1890. G. R. No. 2726, dated 10th July 1890. G. R. No. 4955, dated 16th December 1890. G. R. No. 2674, dated 28th July 1891.
77	TRANSPORT ANIMALS.	*Public Servants*: Instructions issued by the Government of India with a view to prevent officers who may have got transport animals, either in regimental charge or on hire, from allowing them to be used for religious processions.	G. R. No. 2005, dated 30th May 1894.
78	UNIFORMS	Rules regarding the use of uniforms by officers in Civil employ.	Circular, Political Department, No. 368, dated 20th January 1891. G. R., Political Department, No. 2495, dated 17th April 1893. G. R., Political Department, No. 13, dated 4th January 1900. G. R., Political Department, No. 5927, dated 4th August 1900. G. R., Political Department, No. 6087, dated 23rd November 1900.

COMPILATION

OF

STANDING ORDERS OF THE GOVERNMENT OF BOMBAY

IN THE

GENERAL DEPARTMENT.

(Corrected up to 31st March 1901.)

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(1)

Addresses: Rules regarding the receipt of — by Government servants.

No. 2467.

GENERAL DEPARTMENT.

Bombay Castle, 20th August 1887.

Memorandum from the Government of India, Home Department, Public, dated 22nd July 1887—Forwarding a copy of their following Resolution No. 29—1629-45 of the same date:—

"*Extract from the Proceedings of the Government of India, Home Department (Public), dated Simla, the 22nd July* 1887.

READ—

Home Department Resolution No. 19—746-62, dated 11th May 1885, prescribing rules for the receipt of testimonials and addresses by servants of Government.

RESOLUTION.

In re-issuing the rules contained in Home Department Resolution of the 11th May 1885, with certain necessary additions, the Governor General in Council desires to invite the renewed attention of Local Governments and Administrations to the subject with which they deal and to impress on all concerned by them the duty of exact obedience to these regulations.

2. The rules do not apply to the receipt of addresses by the Head of any Government or Administration.

RULES.

1. Save as in these rules otherwise provided, all servants of Government, covenanted or uncovenanted, are forbidden to receive complimentary or valedictory addresses in any form; or to accept testimonials of any kind; or to attend public meetings or complimentary entertainments of a formal and public character held in their honour.

2. The Government views with disfavour all similar manifestations in the case of retired officers, when following immediately upon their retirement from active service, and designed as an acknowledgment of acts done by them while in the service of Government.

3. It is not intended to prohibit such an expression of regard for the private or official character of an officer retiring from service, or leaving his station or district, as is involved in a farewell entertainment supported by his personal friends, even though some of these may be his official subordinates. But it is expected that the proceedings on such occasions will be substantially of a private and informal character.

B 1423—1

4. Local Governments and Administrations are authorised to forward to an officer who has left the station or district the resolution of any local public body recording a vote of thanks to him for help and advice afforded during his official connection with the station or district.

5. Medical officers are not prohibited from receiving pecuniary recognition of their services from a community or body of persons which may desire to acknowledge these, but the previous sanction of the Local Government or Administration must be obtained by medical officers before receiving any public complimentary address.

6. Nothing in the above rules is meant to prohibit compliance with the request of a public body that a Government officer should sit for his portrait, bust or statue in recognition of his public services: provided that the portrait, bust or statue is not intended for presentation to the officer concerned.

7. The participation of Government officers in the raising of funds for the foundation of scholarships or for procuring a portrait, bust or statue, as a spontaneous recognition of the services of a Government officer, is not forbidden; but it should be clearly understood that any solicitation on the part of officers of Government for subscriptions from any person who does not voluntarily come forward to contribute is disapproved by the Government of India.

8. The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable.

* Madras.	Central Provinces.
Bombay.	Burma.
Bengal.	Assam.
North-Western Provinces and Oudh.	Coorg.
Punjab.	Hyderabad.
† Department of Finance and Commerce.	Public Works Department.
Foreign Department.	Revenue and Agricultural Department.
Military Department.	Legislative Department.

ORDER.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations marginally* noted for information and guidance; that a copy be communicated to all Departments† of the Government of India for information; and that the Resolution be published in the supplement to the *Gazette of India* for general information."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices under the several Departments for information and guidance in continuation of Government Resolution No. 1966, dated 27th May 1885.

2. The Resolution of the Government of India has been republished at page 684 of the *Bombay Government Gazette*, Part I, dated 11th instant.

Addresses: Rules regarding the receipt of — by Government servants.

No. 2822.

GENERAL DEPARTMENT.

Bombay Castle, 17th May 1898.

Memorandum from the Government of India, Home Department (Public), dated the 6th May 1898—Forwarding, in continuation of their Resolution No. 29—1629-1645, dated the 22nd July 1887, a copy of the following Resolution, No. 729—53 of the same date, regarding the receipt of testimonials and addresses by servants of Government:—

"RESOLUTION.

By the rules attached to the Resolution above quoted, all servants of Government are prohibited, subject to stated exceptions, from receiving complimentary or valedictory addresses in any form, or testimonials of any kind, and from attending public meetings or complimentary entertainments of a formal and public character held in their honour. Several instances have recently occurred in which arrangements for the presentation of testimonials have been made and subscriptions collected apparently in ignorance of the fact that the proceedings were irregular and that the rules prohibit Government officials from receiving testimonials of any kind. It has also happened more than once lately that a formal character has been given to farewell entertainments, such as are permitted by Rule 3, by the publication in the newspapers of speeches made at them. The Governor General in Council in these circumstances

finds it necessary to call the attention of Local Governments and Administrations to the rules, and to request that it may be again impressed on all officers that they must be strictly observed. With a view to bringing them to the notice of the public, the Governor General in Council directs that they be republished in the *Gazette of India* and the Gazettes of Local Governments and Administrations. The rules do not apply to the receipt of addresses by the Head of any Government or Administration.

'1. Save as in these rules otherwise provided, all servants of Government, covenanted or uncovenanted, are forbidden to receive complimentary or valedictory addresses in any form; or to accept testimonials of any kind; or to attend public meetings or complimentary entertainments of a formal and public character held in their honour.

'2. The Government views with disfavour all similar manifestations in the case of retired officers, when following immediately upon their retirement from active service, and designed as an acknowledgment of acts done by them while in the service of Government.

'3. It is not intended to prohibit such an expression of regard for the private or official character of an officer retiring from service, or leaving his station or district, as is involved in a farewell entertainment supported by his personal friends, even though some of these may be his official subordinates. But it is expected that the proceedings on such occasions will be substantially of a private and informal character.

'4. Local Governments and Administrations are authorised to forward to an officer who has left a station or district the resolution of any local public body recording a vote of thanks to him for help and advice afforded during his official connection with the station or district.

'5. Medical officers are not prohibited from receiving pecuniary recognition of their services from a community or body of persons which may desire to acknowledge these, but the previous sanction of the Local Government or Administration must be obtained by medical officers before receiving any public complimentary address.

'6. Nothing in the above rules is meant to prohibit compliance with the request of a public body that a Government officer should sit for his portrait, bust, or statue in recognition of his public services: provided that the portrait, bust, or statue is not intended for presentation to the officer concerned.

'7. The participation of Government officers in the raising of funds for the foundation of scholarships, or for procuring a portrait, bust, or statue as a spontaneous recognition of the services of a Government officer, is not forbidden; but it should be clearly understood that any solicitation on the part of officers of Government for subscriptions from any person who does not voluntarily come forward to contribute is disapproved by the Government of India.

'8. The previous sanction of the Government of India must be obtained to the relaxation of these rules in any special case in which the Local Government or Administration may think this desirable.'

(*a*) Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of Burma.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Assam.
Chief Commissioner of Coorg.
Resident at Hyderabad.
(*b*) Foreign Department.
Financial Department.
Military Department.
Public Works Department.
Legislative Department.
Department of Revenue and Agriculture.
(*c*) Superintendent of Port Blair.
Director General of the Indian Medical Service.
Sanitary Commissioner with the Government of India.
Secretary to the Board of Examiners.
Registrar of the Calcutta University.
Bishop's Chaplain.
Registrar, High Court, Calcutta.
Officer in charge of the Records of the Government of India.

ORDER.—Ordered that a copy of this Resolution be forwarded to (*a*) all Local Governments and Administrations, (*b*) all Departments of the Government of India, and (*c*) all Heads of Departments subordinate to the Home Department, and that the Resolution be published in the *Gazette of India* for general information."

RESOLUTION.—Copies of the Resolution of the Government of India should e forwarded to all Departments of the Secretariat and all Heads of Offices nder the several Departments for information and guidance in continuation of overnment Resolution No. 2467, dated the 20th August 1887.

2. The Resolution should be published in the *Bombay Government Gazette.*

No. 4008.

GENERAL DEPARTMENT.

Bombay Castle, 13th September 1899.

Resolution of the Government of India, Home Department (Public), No. 1812—36, dated the 19th August 1899 :—

"READ again—

Despatch from Her Majesty's Secretary of State for India, No. 32, dated the 4th June 1873.

READ also—

Home Department Resolution No. 729—53, dated the 6th May 1898, republishing the rules prohibiting the receipt of testimonials and addresses by servants of Government.

RESOLUTION.

In the Despatch of June 1873, read in the preamble, the Secretary of State ruled that a medical officer may, as an exception to the general rule, receive purses and other such testimonials from communities, but may not receive an address unless the Government under which he serves has previously permitted its presentation. These orders are embodied in Rule 5 of the rules republished with the Resolution of May 1898 read in the preamble. The rule mentions pecuniary recognition only, and the point has been raised whether it should also be made to cover cases in which either the donors or the medical officer himself prefer that the presentation should take some other form than a gift of money. The Governor General in Council is of opinion that the exception is meant to apply to such cases and is therefore pleased to direct that Rule 5 shall be altered as follows :—

'Medical officers are not prohibited from receiving a pecuniary or other gift in recognition of their services from a community or body of persons which may desire to acknowledge these; but the previous sanction of the Local Government or Administration must be obtained by medical officers before receiving any public complimentary address.'

(*a*) Government of Madras.
Government of Bombay.
Government of Bengal.
Government of the North-Western Provinces and Oudh.
Government of the Punjab.
Government of Burma.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Assam.
Chief Commissioner of Coorg.
Resident at Hyderabad.
(*b*) Foreign Department.
Financial Department.
Military Department.
Public Works Department.
Legislative Department.
Department of Revenue and Agriculture.
(*c*) Superintendent of Port Blair.
Director General of the Indian Medical Service.
Sanitary Commissioner with the Government of India.
Secretary to the Board of Examiners.
Registrar of the Calcutta University.
Bishop's Chaplain.
Registrar, High Court, Calcutta.
Officer in charge of the Records of the Government of India.

ORDER.—Ordered that a copy of this Resolution be forwarded to (*a*) all Local Governments and Administrations, (*b*) all Departments of the Government of India, and (*c*) all Heads of Departments subordinate to the Home Department, and that the Resolution be published in the *Gazette of India* for general information."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices under the several Departments for information and guidance in continuation of Government Resolution No. 2822, dated the 17th May 1898.

2. The Resolution has been published in the *Bombay Government Gazette*, Part I, of the 7th instant.

CIRCULAR.

No. 237 OF 1874.

SEPARATE DEPARTMENT.

Bombay Castle, 30th October 1874.

Considerable inconvenience having been caused at times for want of the addresses of officers who are known to be in Bombay, all officers in the Covenanted and Uncovenanted* Civil Service and Military officers in civil employ are requested, when arriving in Bombay from England, or visiting Bombay on leave, to write their addresses in the Address Book in the Entrance Hall of the Secretariat.

* Gazetted officers only.

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(3)

NOTIFICATION.

No. 1346.

POLITICAL DEPARTMENT.

Bombay Castle, 17th March 1882.

It is notified for general information that ceremonial or complimentary addresses to Her Majesty the Queen and Empress, to members of the Royal Family or to high officials in England from allied or tributary Chiefs or other Natives of India in this Presidency should be forwarded to the Government of Bombay for transmission through the Government of India. This rule applies to addresses which it is proposed to forward by telegraph.

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(4)

Indian Civil Service : The previous sanction of the Government of India is required to the employment of retired members of the — in any appointments to which the approval of a Local Government or Administration has to be given.

No. 3635.

REVENUE DEPARTMENT.

Bombay Castle, 31st May 1898.

Resolution of the Government of India, Home Department (Public), No. 707—23, dated 4th May 1898 :—

"There have been recently not a few cases in which members of the Indian Civil Service and officers who have held appointments usually reserved for Indian Civil Servants have, after retirement from the service of Government, been appointed

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to service under a Municipal Committee or employed in the management of private estates in British India. The Governor General in Council considers that there are usually serious objections to the taking of such employment by retired officers, and His Excellency in Council is accordingly pleased to direct that in future no retired member of the Indian Civil Service, or Military officer who has been in Civil employ, or other officer who has held an appointment which is ordinarily reserved for members of the Indian Civil Service, shall be employed in any appointment to which the approval of a Local Government or Administration has to be given without the previous sanction of the Government of India."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all members of the Indian Civil Service on the Bombay establishment for information.

2. Copies should also be forwarded to all Departments of the Secretariat for information.

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(5)

Official Correspondence: Notifications published in the Government Gazette regarding appointments, leave, transfers, &c., render unnecessary issue of Government Resolutions except in certain cases.

No. 3647.

GENERAL DEPARTMENT.

Bombay Castle, 12th July 1900.

Memorandum from the Judicial Department, No. 1496, dated the 26th February 1900.

Memorandum from the General Department to the Famine, Public Works, Railway, and Plague Departments, No. 1525, dated the 16th March 1900.

Memorandum from the Famine Department, No. 1846, dated the 29th March 1900.

Memorandum from the Public Works Department, No. B.—201, dated the 7th April 1900.

Memorandum from the Public Works Department (Railway), No. 1054, dated the 1st May 1900.

Memorandum from the General Department (Plague), No. 3026-P., dated the 12th May 1900.

RESOLUTION.—The Superintendent, Government Central Press, should be requested to insert in future issues of the *Bombay Government Gazette*, below the heading "Civil Appointments" in Part I, the following Standing Notice in large red type:—

"*Notice.*

Heads of Departments and all other officers concerned should note that Notifications in the *Gazette* are in future to be accepted as disposing of all references regarding leave, transfers, appointments, powers and other personal questions affecting gazetted officers as to which orders are gazetted by the Governor in Council in this part of the *Gazette*, and that any subsidiary orders as to relief of their subordinates and the like which such Notifications necessitate must be issued by them on receipt of the *Gazette*, as no other orders will be issued by Government."

2. In future, orders in the cases specified will not ordinarily be issued by Government Resolutions, as heretofore, or communicated to the local authorities otherwise than by notification in the *Government Gazette*. Heads of Offices under the several Departments of the Secretariat are requested to note this change of procedure.

3. Separate intimation by memorandum or Government Resolution should, however, for account purposes, be given to the Accountant General by the Departments concerned in the following cases:—

(1) When leave out of India is granted to an officer on account of ill health. [In this case the reason for the grant of the leave should be

separately communicated—*vide* Government Resolution, Financial Department, No. 3354, dated the 31st July 1897.]

(2) When the issue of an officer's last pay certificate would probably be delayed if no intimation of the grant of the leave reached the Accountant General before its notification in the *Government Gazette*.

(3) When an officer is transferred otherwise than for the public convenience (Article 1206(*a*) of the Civil Service Regulations).

(4) When officers who have appeared for departmental examinations have failed to pass. [In this case it will be necessary for the Accountant General to audit their travelling allowance bills.]

(5) When the sanction of higher authority to appointments is required and has been applied for.

(6) When special temporary appointments or deputations are sanctioned under Article 95 of the Civil Service Regulations.

(7) When instructions are given to an officer to join his appointment on a particular date.

(8) When the notifications relate to additional charges and it is necessary for Government to issue special orders, *e.g.*, granting charge allowance, making a declaration that the appointment entails a substantial increase of responsibility and addition of work, under Article 176 of the Civil Service Regulations, waiving the proviso of Article 184, &c.

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(6)

Rules for regulating the purchase of books and newspapers or other periodical publications at the public expense.

No. 3360.

GENERAL DEPARTMENT.

Bombay Castle, 13th September 1884.

Resolution of the Government of India, Department of Finance and Commerce (Accounts and Finance—Stores), No. 2980, dated 25th August 1884:—

"Read again the following papers, viz.:—

Resolution No. 2359, dated 30th August 1872 (Expenditure Proceedings, October 1872, Nos. 1—4).

Resolution No. 2367, dated 16th November 1875 (Expenditure Proceedings, December 1875, No. 1).

Resolution No. 1359, dated 1st July 1878 (Account Proceedings, December 1878, Nos. 877—884).

Resolution No. 1548, dated 9th July 1879 (Account Proceedings, July 1879, Nos. 516—519).

Resolution No. 185, dated 10th January 1883, paragraphs 13 to 19 (Account Proceedings, January 1883, Nos. 3—6).

RESOLUTION.—The rules for regulating the purchase of books and newspapers or other periodical publications at the public expense are now contained in various orders and circulars, some of which are of old date and apt to be overlooked. It has therefore been considered desirable to consolidate them, and the rules in the succeeding paragraphs should in future guide all such purchases.

2. These rules apply to books or newspapers purchased at the cost of the Imperial and Provincial Revenues and of Incorporated Local Funds, but not to those purchased on account of Excluded Local Funds.

3. Books and newspapers or other periodical publications, whether published in or out of India, shall not be purchased or subscribed for at the public expense by any public officer without the previous sanction of the Local Government, or, in the case of officers under the Government of India, of the Department to which the officer is subordinate.

4. Books for regimental schools, regimental and prison libraries, and military offices will, so far as the requisitions are in accordance with the rules in force in the

Military Department, be bought under the orders of the Government of India in the Military Department for the Bengal Army, and of the Governments of Madras and Bombay for the armies in those Presidencies.

5. Books for the Educational Department should be obtained under the present rules and usage of the several Local Governments concerned.

6. The officers of the Account Department are enjoined to require proof of such sanction before admitting charges of this character.

7. Government does not undertake to supply books and newspapers indiscriminately, and supplies must be confined to what is found actually necessary for the public service independently of the desire of officers for improvement on subjects connected with their duties. Purchases of hand-books, manuals, practical guides and the like should be rarely, if ever, made for executive officers, but mainly for officers charged, among other duties, with important deliberative duties of advising Government on special or important subjects.

8. Commentaries or annotations on Acts of the legislature will in no case be supplied by Government.

9. Directories and works of a cognate character can only be allowed under special circumstances where there may be evident inconvenience to the public service if they are not at hand for reference.

10. Official publications issued in India, such as the Postal Guide, the Civil Lists, the Codes of the Financial or Public Works Departments, the Army Lists, &c., are to be supplied only under instructions from the Local Governments or Departments of the Government of India. No payment should be required for books of this class.

11. Official publications (other than Parliamentary papers) published in England should be procured by the Departments of the Government of India and by the Local Governments and Administrations requiring them for their own use and for the use of the officers subordinate to them, by indents forwarded to the address of the Assistant Under Secretary of State for India; the revenues (Imperial, Provincial, or Local) to which the cost is chargeable, and, if Imperial, the head of account or grant to which it is debitable, being specified in the requisition.

The following are not to be considered official publications :—

Acts of Parliament (except Mutiny Acts, which the Secretary of State will supply).
London Gazette.
War Office Army List.
British Postal Guide.
British Code List.
Royal Navy List.
Mercantile Navy List.

12. Parliamentary papers required for departments and officers elsewhere than in the Presidencies of Madras and Bombay will be supplied as published by the Secretary of State to the Home Department of the Government of India under the terms of his despatch No. 5, dated 13th January 1876. All communications regarding their distribution should be made to the Secretary to the Government of India in the Home Department.

13. Parliamentary papers required by the Governments of Madras and Bombay should be obtained direct from the Secretary of State.

14. All books and periodicals procured for any office should be registered or filed, and must not be permanently removed from the office for which they were intended.

15. Payments for books, newspapers and periodicals procured from abroad should by preference be made in India either through an agent or a bank on bills drawn by the supplier. When this is not practicable, the remittance should be made invariably through the local Accountant General and the accounting officers of the Military and Public Works Departments, who should be responsible for the purchase of bills.

ORDERED that the foregoing Resolution be communicated as follows :—

Original papers returned. To the Public Works Department and the other Departments of the Government of India.
To all Local Governments and Administrations.
To the Comptroller and Auditor General, the Comptroller of Indian Treasuries, and to all Accountants General and Comptrollers.
To the Head Commissioner, Paper Currency.
To the Mint Masters, Calcutta and Bombay.
To the Director General of the Post Office.
To the Commissioner, Northern India Salt Revenue."

RESOLUTION.—Copies of the Resolution should be forwarded to all Departments of the Secretariat and all Heads of Offices under the several Departments for information and guidance.

No. 941.

GENERAL DEPARTMENT.

Bombay Castle, 5th March 1889.

Letter from the Accountant General, No. P.A.—29100, dated 16th January 1889 :—

"With reference to paragraph 2 of Government Resolution No. 59, dated 7th January 1889, regarding the rules for the purchase of books, I have the honour to state that the rules of the Government of India (cited in Government Resolution No. 3360, dated 13th September 1884) being of later date must be held to supersede the rules framed by this Government, bearing date 23rd August 1876, and Rule 3 of the rules of the Government of India distinctly states that books and newspapers or other periodical publications, whether published *in India* or out of India, shall not be purchased or subscribed for at the public expense without the *previous* sanction of the Local Government. Rule 6 of the Bombay Government rules, no doubt, requires half-yearly reports to be made by certain Heads of Departments of the purchases of books sanctioned by them, but the scrutiny is exercised by the Local Government on these sanctions *after* the purchases have been made, and not *before* as intended by the Government of India. In these circumstances I am respectfully of opinion that the Resolution of 3rd November 1884 requires reconsideration."

RESOLUTION.—In view of the representation now received from the Accountant General, His Excellency the Governor in Council is pleased to direct, in modification of paragraph 1 of Government Resolution No. 3986, dated 3rd November 1884, that in future, in conformity with Rule 3 of the rules promulgated in the Resolution of the Government of India, No. 2980, dated 25th August 1884, embodied in the preamble of this Government's Resolution No. 3360, dated 13th September 1884, books and newspapers or other periodical publications published in India shall not be purchased or subscribed for at the public expense by any public officer without the previous sanction of Government. This order withdraws the authority granted by Rules 3 and 6 of the rules published at page 750, Part I, of the *Bombay Government Gazette* of 24th August 1876 and by Government Resolution, General Department, No. 4647, dated 5th December 1885, to the Heads of Offices named in the margin to sanction applications from their subordinates for the purchase of books.

The Commissioner in Sind.	The Survey and Settlement Commissioner.
The Commissioner, N. D.	The Director of Public Instruction.
The Commissioner, S. D.	The Inspector General of Police.

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(7)

CIRCULAR.

No. 1806 OF 1845.

TERRITORIAL DEPARTMENT
(REVENUE).

TO THE

SIR,

Whereas much inconvenience and embarrassment have been found to arise from the possession, by Native subordinate officers, of certificates from their European superiors, of good conduct which subsequent experience has proved to be unmerited, the Governor in Council is pleased to enjoin on all Civil officers, especially on those in the junior grades of the service, the exercise of

great caution in the grant of such certificates, reminding them that the existence of such documents, giving to parties characters which their subsequent conduct proves to have been undeserved, reflects discredit on the judgment and discernment of the grantors.

2. The more proper method of noticing the conduct of meritorious servants is by mentioning them in periodical and other reports, in which the particular instances of their good and faithful conduct may be recorded.

3. The Governor in Council is further pleased to direct that no certificate shall be granted unless previously numbered and registered in the office in which the person granting it is serving, and that such certificates, when proposed to be granted by Assistants, shall be first transmitted to the Head of the Office for registry, and shall be issued only on approval by him.

4. The registry book of certificates should be submitted, during his tours, to the Revenue Commissioner, who should point out to the Collector any instances in which it may appear to him that they have been granted unworthily or without sufficient necessity.

I have the honour to be, &c.,

(Signed) E. H. TOWNSEND,
Secretary to Government.

RESOLUTION.

Bombay Castle, 22nd April 1845.

Ordered that copy of the above circular, modifying the existing practice of public officers granting certificates to their subordinates, be transferred to each of the Departments of the Secretariat, in order that similar instructions may thence be issued to the officers subordinate to those Departments.

GENERAL DEPARTMENT.

The following letter from the Government of India is published for general information and guidance :—

"No. 2780, dated Simla, the 15th June 1869.

From—E. C. BAYLEY, Esq., Secretary to the Government of India ;

To—The Secretary to the Government of Bombay, Home Department (Public).

SIR,—The Governor General in Council has recently had under consideration a case in which a public officer, the Head of a Department, in granting a certificate to one of his subordinates, suppressed the true reason for which the subordinate had been removed from his appointment. Such an omission may obviously be injurious to the interests of the public service. I am, therefore, directed to draw the attention of His Excellency the Governor in Council to the subject, and to request the issue of orders to all public officers warning them to be careful, in giving certificates to their subordinates, to state the whole truth in respect of character and cause of dismissal or resignation of appointment.

I have the honour to be, &c.,

(Signed) E. C. BAYLEY,
Secretary to the Government of India.

By order,

F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle, 25th June 1869.

Certificates.

No. 3846.

GENERAL DEPARTMENT.

Bombay Castle, 10th November 1873.

Read the following memorandum from the Government of India, Home Department (Public), No. 3204, dated 17th October 1873 :—

" NOTIFICATION.

As there is reason to believe that the orders of this Department, dated the 15th June 1869, warning public officers to be careful in granting certificates to their subordinates, are not generally known or acted upon, those orders are hereinbelow republished for general information; and all officers of Government are required carefully to observe them :—

Circular to Local Governments and Administrations dated the 15th June 1869.

'The Governor General in Council has recently had under consideration a case in which a public officer, the Head of a Department, in granting a certificate to one of his subordinates, suppressed the true reason for which the subordinate had been removed from his appointment. Such an omission may obviously be injurious to the interests of the public service. I am, therefore, directed to draw attention to the subject, and to request the issue of orders to all public officers, warning them to be careful, in giving certificates to their subordinates, to state the whole truth in respect of character and cause of dismissal or resignation of appointment.' "

RESOLUTION.—Copies should be furnished to all Heads of Departments.

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(8)

Change of Names.

No. 2536.

FINANCIAL DEPARTMENT.

Bombay Castle, 13th July 1882.

Memorandum from the Commissioner, S. D., No. 1615, dated 9th June 1882—Submitting an application from the Collector of Kaládgi on behalf of Hanmant Bhimji, a karkun in the First Assistant Collector's Office, for the change of his father's name, he having been given in adoption since his entry into Government service; and recommending that Heads of Departments be authorized to sanction change of names in such cases.

Memorandum from the Accountant General, No. T. A. A.—4297, dated 23rd June 1882—Stating that the application is hardly one which relates to the Account Department, and that if Government be pleased to sanction the alteration of name, the necessary corrections will be made in the service book and pay abstracts.

RESOLUTION.—The alteration in the name in this case as solicited is sanctioned.

2. Heads of Departments may, in future, on sufficient cause being shown, sanction change of names in the case of non-gazetted officers, sending an intimation of the fact to the Accountant General. Cases of gazetted officers should be submitted for the sanction of Government.

GENERAL DEPARTMENT.

When any officer delivers over charge of any Department, the officer delivering and the officer receiving charge should report the same in a joint letter, instead of in separate letters.

By order of the Right Honourable
the Governor in Council,

C. J. ERSKINE,
Deputy Secretary to Government.

Bombay Castle, 24th October 1849.

CIRCULAR.

No. 627 OF 1833.

To
THE COLLECTORS.

SIR,

Instances have occurred wherein officers transferred from one appointment to another have, without awaiting the arrival of the person appointed to relieve them, delivered over charge to Junior Assistants and quitted the station without orders. I am directed to inform you that the Right Honourable the Governor in Council is pleased strictly to prohibit such an irregularity and to direct that no officer so circumstanced make over the office of which he may be in charge to any one except the person regularly appointed to this situation, unless a special order of Government authorize any other mode of procedure.

Bombay Castle, 23rd February 1833.

CIRCULAR.

No. 3127 OF 1873.

REVENUE DEPARTMENT.

Bombay Castle, 31st May 1873.

His Excellency the Governor in Council is pleased to direct that all officers, on receipt of the Government orders of their appointments to other stations, must join their new appointments within the allotted time, and that when they receive intimations to do so without delay, they are at once to start.

No. 3737.

REVENUE DEPARTMENT.

Bombay Castle, 1st July 1873.

Memorandum from the Revenue Commissioner, N. D., No. 2874, dated 19th June 1873—Submitting for orders a letter No. 1582, dated 14th idem, from the Collector of Surat, who enquires whether he is right in understanding Government Circular No. 3127, of 31st May 1873, to be subject to the following reservations :—

(1) That an Assistant is not to start for a new appointment till he has duly handed over charge to the officer whom the Collector may designate to receive it.

(2) That a Collector may, if he think it absolutely necessary for the public service, detain an Assistant pending a reply to a reference representing the circumstances which he may make to Government.

RESOLUTION.—The object of the Circular was plain. It was to put a stop to the practice that was found to prevail of Collectors taking upon themselves to judge whether an Assistant could or could not be conveniently spared.

2. Heads of Offices will now be held responsible for arranging that their Assistants are relieved without delay.

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(11).

Compensation.—Accounts.

No. 1784.

FINANCIAL DEPARTMENT.

Bombay Castle, 24th May 1880.

Resolution of the Government of India, Department of Finance and Commerce, No. 390, dated 4th May 1880 :—

"Read—

The Proceedings of the Government of Bombay in the Public Works Department No. 86-E—229, dated the 11th March 1880, sanctioning the grant of compensation to Sergeant C. Veale for the loss of his property by the foundering of the steamship *Vingorla*, in which he was proceeding on duty to join the Kandahar Railway.

RESOLUTION.—As the money has already been paid to Sergeant Veale, the Governor General in Council will not withhold confirmation of the sanction accorded by the Government of Bombay. The amount (Rs. 699-4-0) should be adjusted as a contingent charge of the Kandahar Railway.

2. His Excellency in Council is not prepared to admit that a public officer is entitled to compensation for loss of property caused by an accident of this kind merely because such accident may have happened to him while he was employed in the service of the State. The Government cannot guarantee its officers against every loss which they may suffer while in its service, and, in future, compensation should not be given to public officers for accidental losses of their property."

RESOLUTION.—Copies to be forwarded to all Departments of the Secretariat and all Heads of Offices under those Departments for information and guidance.

Pecuniary contributions from Native States : No — to be applied for by Government officers without the sanction of the Local Government.

No. 2760.

GENERAL DEPARTMENT.

Bombay Castle, 24th July 1885.

Resolution of the Government of India in the Home Department (Public), No. 31—1217-42, dated 11th July 1885 :—

"It has recently been brought to the notice of the Government of India that no rule exists regulating the circumstances under which officers of Government may apply to Native Chiefs for pecuniary contributions towards public objects. As it is for many reasons undesirable that such applications should be made except with the permission of superior authority, the Governor General in Council is pleased to direct that in future no officer of Government shall ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects, except with the sanction previously obtained of the Local Government to which he may be subordinate."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information and guidance.

Pecuniary contributions from Native States: No — to be applied for by Government officers without the sanction of the Local Government.

No. 4384.

GENERAL DEPARTMENT.

Bombay Castle, 19th November 1885.

Memorandum from the Government of India, Home Department (Public), No. 52—1867-87, dated 28th October 1885—Forwarding for information copy of the following letter, No. 1866 of the same date, addressed to the Government of Madras :—

"I am directed to acknowledge the receipt of your letter No. 2286, Miscellaneous, dated the 28th ultimo, enquiring (1) whether the ruling contained in Home Department Resolution of the 11th July 1885, that no officer of Government should ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects without the previous sanction of the Local Government, is intended to apply to Local and Municipal Boards; and (2) whether the term 'Native Chiefs' as used in the Resolution includes ordinary Zamindars.

"2. In reply, I am to say that the orders contained in the Resolution cited were intended to apply to officers of Government acting in their individual capacity and not to Local and Municipal Boards. I am to add that there appears to the Government of India to be no reason why Local or Municipal Boards should not invite the assistance of local Zamindars towards public objects."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices in continuation of Government Resolution No. 2760, dated 24th July 1885.

Dismissals.

No. 2218.

GENERAL DEPARTMENT.

Bombay Castle, 18th August 1879.

Read the following papers:—

"*Extract from the Proceedings of the Government of India in the Home, Revenue and Agricultural Department (Public), No. 37—1389-1404, under date Simla, the 29th July 1879.*

RESOLUTION.

From time to time petitions or appeals against the orders of local officers, removing or dismissing Government servants, reach the Government of India. Such appeals ordinarily are forwarded through, or are reported upon by, the Local Governments; and the Governor General in Council is glad to say that he very rarely indeed sees ground for thinking such removals hasty or unjust. The general rule of the service is that the authority who can appoint to a particular office has power to dismiss or remove from that office; and an appeal lies from an order of dismissal to the official superior of the officer who passes such order. Since the date of the order passed by the Court of Directors in 1851, no general instructions on the subject of dismissing public servants have been circulated by the Government of India. Local Governments have from time to time issued such orders; and copy of a recent circular of the North-Western Provinces Government on the subject is appended to this Resolution. His Excellency the Governor General in Council believes that the forbearance and consideration enjoined by the Honourable Court are usually exercised by public officers of all grades and departments; but at the same time he deems it advisable to republish those instructions with the following remarks:—

1. In order that a dismissed servant of Government may be able to exercise his right of appeal, it is obviously necessary that the charge against him, his defence and the order thereon should be reduced to writing. And this course, so far as the Governor General in Council is aware, is usually taken. In the case of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the case of persons who abscond with an accusation over their heads, this procedure may be unnecessary or impossible. But in all other cases of the dismissal of public servants, the charge against a public servant should be reduced to writing, his defence should be either taken in or reduced to writing, and the decision on such defence should also be in writing. In many cases (such for instance as that of a clerk at an outlying tahsil station) the officer who passes the order of dismissal may not be able to make the enquiry himself, and the proceedings leading to dismissal would be conducted by the superior officer on the spot. The record of such charge, defence and decision would then furnish sufficient information for, and should be submitted to, the superior officer or the Government to whom the dismissed servant may prefer an appeal.

2. In regard to the rules of conduct which should guide the relations of superior officers with their subordinates, the Governor General in Council fully concurs in the views expressed by the late Court of Directors in paragraphs 4 to 9 of their Despatch No. 42 of 1851, copies of which are appended to this Resolution.

ORDER.—Ordered, that a copy of the above Resolution, with enclosures, be forwarded to all Local Governments and Administrations, and to all Departments of the Government of India, for information.

No. 11—A., dated Camp Lucknow, the 13th April 1877.

From—C. ROBERTSON, Esq., Officiating Secretary to the Government of India, North-Western Provinces and Oudh;

To—All Heads of Departments, Commissioners, and District Officers in the North-Western Provinces and Oudh.

It has frequently been noticed by the Government in petitions from persons who have been degraded or deprived of their situations in the public service, that the petitioners have not had an opportunity of explaining their conduct, and of making

their defence before being reduced or dismissed from their appointments. The Lieutenant-Governor and Chief Commissioner accordingly directs that in all cases of punishments, and especially in all cases of dismissal, the person concerned shall always be given a hearing before the final order is passed; and a formal proceeding embodying the statements taken and the reasons of dismissal shall invariably be recorded.

Extract paragraphs 4 to 9 of a Despatch from the Honourable Court of Directors, No. 42, dated 6th August 1851.

Para. 4.—In the letter from the Secretary to the Sadar Board of Revenue, North-Western Provinces, conveying the opinions of the Members of that Board, we notice the following passages :—

'It scarcely needs to be stated that Native officers are frequently dismissed from their situations, not for proved delinquency or any tangible matter or substantial charge, but in accordance with the opinions of their immediate superiors taken up against them sometimes hastily.

'A large portion of the public servants are under the absolute control of one officer, who has the absolute power of dismissal, and men are consequently often dismissed by caprice and also as a punishment.

'An officer often, too, dismissed a man merely as a punishment with the intention, frequently carried out, of reappointing him.

'Further, the Native servants of Government are treated with a degree of hardship which stands in remarkable contrast to the conduct adopted towards Europeans or officers of mixed parentage.

'To such an extent does this severity prevail that all prudent Natives resign when they perceive that their superiors do not regard them with favour. This state of things has the worst effect on our Native officers. It induces them to make hay while the sun shines, and to add to the severity now used by pronouncing every man dismissed incapable of serving Government would only add to the evil.

'Once again, the Junior Member of the Board takes this opportunity to put on record his deliberate opinion that less caprice, less severity, less indignity in the treatment of Native servants of Government is necessary if Government would be well served by them.'

Para. 5.—We confess we have perused these statements with pain and deep regret. If the treatment of Native officials by their Covenanted superiors be indeed generally of the harsh character here alleged, it is most discreditable to those members of our Civil Service who have practised it.

Para. 6.—But the rule we instructed you to introduce, in place of aggravating the evil, as is alleged, will, in reality, ameliorate the position of the Uncovenanted servants. We would establish it as a principle that when persons are appointed to permanent situations in any Department they should not be dismissed upon light grounds. Fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace, meet with their appropriate punishment in dismissal, and our position is that in every case in which that punishment is inflicted upon just grounds the individual should be considered to be permanently excluded from Government employ. With regard, however, to the instances of arbitrary dismissal for slight reasons adverted to by the Secretary to the Board of Revenue, we can neither recognise their propriety nor see the advantage accruing to Government from the practice. It may be doubtful whether the punishment of temporary suspension under the name of dismissal 'with the intention of re-appointment' has any beneficial operation as regards the supposed offender. But we cannot doubt that it must tend to impede the business of the office by raising fears in the minds of the other Native officials that the caprice of their superiors may inflict upon them the same penalty. We consider it more likely that Government will be well served if it is distinctly understood that probity and diligence are the conditions of continued employment than if the subordinates work in slavish dread of their official superior, knowing that his whim, prejudice or passion may at any hour eject them from their situations and reduce them to destitution. In our opinion, moreover, the knowledge that gross misconduct will altogether exclude from the service of Government will operate as an additional inducement to the honest and attentive discharge of duty on the part of Native servants. If the offence which a subordinate may commit be considered by the chief of his office to merit severe punishment, though not the ultimate one of dismissal, the circumstances should be reported to higher authority, and, if necessary, to the Government for their judgment and decision.

Para. 7.—The salutary tendency of the proposed rule will therefore be to make subordinates more faithful in the discharge of their duties, and superiors more cautious in inflicting punishment upon those under their control. Necessary as it is that the power of dismissal should be vested in the Chiefs of Departments, it is equally desirable to check and, as far as may be practicable, to regulate that power. If evidence of this be required, the letter from the Agra Board of Revenue affords it, and we shall here further quote the sentiments of the Junior Member of that Board as a corroboration of the view which we are led to take of this question. He observes that since he has entered the service 'the Government have done much to temper the arbitrary severity with which their Native officers are treated by their European fellow-servants, and they have in consequence materially increased the honesty and faithfulness of that deserving class of men, but more remains to be done and he doubts not will be done by degrees.' We give due weight to the opinions to which we have adverted, and under the explanation we have now given we are not disposed to depart from our order of the 10th July 1850.

Para. 8.—There is, however, a class of cases which does not come within the intention of our order, though erroneously considered in this light by the authorities in the North-Western Provinces—we mean, cases of inaptitude for the particular branch of occupation to which a Native servant may have been originally appointed, as well as cases of physical incapacity. The latter must be treated according to rule, and with regard to the former we cannot but think that in the majority of cases the difficulty might be overcome by a re-adjustment of duties without recourse to the harsh step of removal from office.

Para. 9.—We would, in conclusion, express our hope that the notice we have taken of this subject will have the beneficial effect of inducing the exercise of greater forbearance and a more just consideration on the part of our Civil Servants towards the useful and deserving class of men placed in subordination to them. With respect to the most important class of those men, namely, those receiving salaries of above Rs. 10 a month, and to some of them under certain restrictions pensions are granted upon retirement, we think that you might issue instructions that you should be kept advised of the dismissal of all individuals composing that class, and of the causes of their dismissal. This would afford an opportunity for enquiry into cases in which the cause might appear unsatisfactory or questionable which does not at present exist. Should any instances unfortunately occur to disappoint the expectation which we have expressed, that greater forbearance and justice will be exercised towards the Native servants, we desire to be invariably informed of them, whether they shall occur in the class above referred to or in any other, and we shall feel it to be our duty to visit such conduct with the expression of our severe displeasure."

RESOLUTION.—This letter, with accompaniments, should be forwarded to all Departments of the Secretariat and to all Heads of Offices and Departments for information and guidance. It should also be published in the *Government Gazette* for general information.

Dismissals.

No. 2568.

GENERAL DEPARTMENT.

Bombay Castle, 6th August 1881.

Memorandum from the Government of India, Home Department (Public), No. 29—1046, dated 20th July 1881—Forwarding, for such action as may be considered desirable, copy of the following Circular (No. 33-J., dated 27th June 1881), addressed by the Government of Bengal to all Heads of Departments under that Government on the subject of the dismissal of Government servants on account of offences for which they are liable to be criminally prosecuted:—

"Cases occasionally occur in which it is considered inexpedient to undertake the prosecution of Government servants who are dismissed on account of offences for which they are liable to be criminally prosecuted. I am directed to request that in future, in such cases, the reasons which render it inexpedient to undertake a criminal prosecution may be recorded at the time that the order of dismissal is passed. When there is no objection to such a course, the reasons should be included in the order of dismissal, of which the dismissed servant receives a copy; but in every case a copy of the recorded reasons for not instituting a prosecution when the offender was liable to one should be forwarded, with any report that may afterwards be made on the case, to Government."

RESOLUTION.—Copies of the Circular issued by the Government of Bengal should be forwarded to all Departments of the Secretariat and all Heads of Offices under the several Departments, with a request that the procedure ordered by the Government of Bengal may be also adopted in this Presidency.

Dismissals : Rules regarding the — of Government servants.

No. 1549.

GENERAL DEPARTMENT.

Bombay Castle, 9th May 1883.

Read again : –

Government Resolution No. 2218, dated 18th August 1879—Communicating, for general information and guidance, certain instructions laid down by the Government of India on the subject of the dismissal of public servants.

RESOLUTION.—In the orders circulated with the above Resolution the rule was laid down that in the case of the dismissal of a public servant—

(*a*) the charge against him,
(*b*) his defence, and
(*c*) the order thereon,

should be reduced to writing.

2. In inviting attention to the above standing orders, His Excellency the Governor in Council is pleased further to direct for future guidance that in *all* cases of dismissal, the dismissing authority should always record in English, under his own handwriting, a statement showing briefly but clearly the charges brought against the official, the evidence supporting those charges, the motives which are supposed to have influenced him, and the opinion of the dismissing authority on each charge.

No. 7170.

JUDICIAL DEPARTMENT.

Bombay Castle, 16th October 1883.

Resolution of Government on the subject of the procedure that should be adopted when Native subordinates in the Civil Departments are dismissed from pensionable service for misconduct.

RESOLUTION.—The Court of Directors by Despatch No. 42 of 6th August 1851 enunciated their views on the habit imputed to European Heads of Offices and Departments of inconsiderately dismissing Native subordinates. This habit had been reported to the Court of Directors as deeply rooted. The Court quoted a member of the Agra Board of Revenue as observing that since he had entered the service "the Government have done much to temper the arbitrary severity with which their Native officers are treated by their European fellow servants, and they have in consequence materially increased the honesty and faithfulness of that deserving class of men, but more remains to be done and he doubts not will be done by degrees." The purport of the instructions then laid down was that Native subordinates were not to be dismissed merely

in consequence of unfavourable opinions entertained towards them by their superiors, or for slight reasons, but on proof only of tangible delinquency in such matters as "fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace," and a subordinate once dismissed upon just grounds was to be "permanently excluded from Government employ."

2. After 28 years, *i.e.*, in July 1879, the habit adverted to was found to be still existent in sufficient force to induce the Government of India to re-publish these instructions of the Court of Directors with an expression of their own concurrence, and to add to them as follows:

In all cases of the "dismissal of public servants the charge against a public servant should be reduced to writing, his defence should be either taken in or reduced to writing, and the decision on such defence should also be in writing." As a reservation it was stated: "In the case of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the case of persons who abscond with an accusation over their heads this procedure may be unnecessary or impossible."

3. In May last, by Resolution No. 1549 of the General Department, this Government further added the orders that "the dismissing authority should always record in English, under his own handwriting, a statement showing briefly but clearly the charges brought against the official, the evidence supporting those charges, the motives which are supposed to have influenced him, and the opinion of the dismissing authority on each charge."

4. Cases that have lately come before Government suggest that even additional fullness and precision should be given to the orders of Government.

5. The Governor in Council would first observe that the state of things now calling for correction is not quite the same as that which attracted the notice of the Court of Directors in 1851. The Court had in view the habit of dismissing Native officials in consequence merely of the unfavourable opinion of their superiors, or for slight reasons, but as a rule subordinates are now dismissed only on very precise charges of delinquency. The same disposition of mind, however, on the part of European superiors which in former days led to the dismissal of Native subordinates on slight charges now too often leads to the hasty acceptance of evidence as establishing serious charges.

6. The Governor in Council will now state why the late rules do not sufficiently ensure that the defence of a Native subordinate shall be patiently heard before his dismissal is recommended or ordered. The rules required that the charge shall be reduced to writing, that the defence shall be given in or reduced to writing, and that the decision shall be in writing, and comprise certain details. But all this is compatible with the disposal of the case in a very offhand way. It would seem indeed as if the rules were sometimes taken as meaning that the charge against the accused might be communicated to him and his explanation taken by correspondence, whereas the first principles of justice require that he should be brought before the enquiring officer in person. Again it is not enough that he should be told of the charge he has to meet; he should be told also of the evidence and arguments in support of the charge before he is required to defend himself. It is very unfair that he should not know the case against him until the enquiring officer has actually committed himself to a decision.

7. The necessary orders so far are that an enquiry in judicial form should precede an order or recommendation for dismissal. It is not meant that the admission of evidence should be restricted by the law of judicial evidence. All evidence which in the opinion of the enquiring officer conduces to moral conviction should be admissible, but in whatever form received it should be noted and explained to the person charged. Much evidence could be recorded simply in the form of questions to which the person charged should be required to give specific answers. He should be allowed besides to place on record a full written statement of his defence.

8. In the next place, some principles should be laid down for guidance in those cases where there is strong suspicion rather than actual proof against the person implicated. The intention of Government is that no servant of theirs should be dismissed except on proof, but proof in the great majority of cases, even in a Court of justice, means no more than a preponderance of probabilities and the estimate of what the preponderance ought to be, and it varies with the temperament of the judging officer. Executive officers in the matter of dismissals have to discharge the judicial function, but do not always possess the judicial faculty. It is necessary therefore to lay down as a general rule that no subordinate should be dismissed except on grounds capable of being stated. There is a distinction between judicial enquiries and departmental enquiries as regards the admissibility of evidence, but there should be no distinction as regards the decision being based solely on the evidence admitted.

9. It may indeed be thought that in some cases a compromising suspicion is in itself a sufficient reason for removing a subordinate from the service of Government, but, if so, this should be honestly stated, and there should be no pretence of proof when there is only suspicion. The subordinate should not be dismissed with disgrace, but allowed to resign, or simply relieved of his office. And in such cases it is more necessary than ever that the exact case against him should be carefully recorded, in order that he may, if possible, satisfy any other employer who has the means of livelihood in his gift.

10. The possibility of men being removed from the public service on mere suspicion suggests the difficult question of the moral liability of Government in such cases to make compassionate allowances. It has been decided, and the Governor in Council thinks rightly, that the admission of such liability would work mischief to the public service in its general effect. But if a man has earned or nearly earned his pension, his would not be a proper case for removal on suspicion. He would necessarily be an old servant of Government, who has reached a time of life when it would be most improbable that he could turn to any other occupation for a livelihood. The sudden beggary of a man whose working days are drawing to a close is as serious an exercise of power as the penal sentence of a Court of justice, and should not be inflicted on haphazard principles. The Pension Rules, moreover, provide that a portion of the pension may be withheld from those whose service has not been entirely approved.

11. The Governor in Council considers that in proportion as the evidence falls short of full proof, consideration should be given to the previous character of the subordinate concerned, and especially to any specific instances of good or bad service that may have been officially noted in his case. It would seem sometimes as if previous good conduct was regarded as an aggravation of a man's offence, as showing concealment of his true character. It would in the opinion of the Governor in Council, apart from the question of evidence, work well for the service of the public if subordinates were able to feel that a good character and acts of good service would stand them in real stead when their conduct is exposed to question.

The admission, however, of evidence of previous bad character requires great caution. It was argued lately in a petition that if one fault is taken as evidence of another, the first punishment of a small fine expands into dismissal by a sort of natural growth. It is certainly not uncommon for dismissing officers to support a weak case by reference to previous punishments for misconduct, too slight for confidence that it received close attention.

12. Controlling officers, as for instance Commissioners, to whom orders of dismissal are submitted for confirmation, or on appeal, should be reminded that they have an individual responsibility of their own. They must of course on certain points, like all appellate authorities, place confidence on the judgment of the officer who has personally conducted the enquiry, but they should withhold this confidence unless it is clear from the proceedings that the enquiring officer has acted with care and fairness. No defects in the record of enquiry should be passed over with such reflections as that the enquiring officer is a very careful man, and that he probably knows a good deal more about the

case than he has been able to say. If there are such defects the case should be remanded for further enquiry, and the controlling officer should commit himself to no opinion of his own till the case is as complete as it can be made.

13. Lastly, the Governor in Council observes that the reservation of the Government of India quoted in paragraph 2 of this Resolution to the effect that the prescribed procedure might be unnecessary "in the case of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial," has been, in some cases, misunderstood. Doubtless trials may occur in which the conduct of some public servant is so mixed up with the matter under adjudication that any after-enquiry into it by the head of his Department would be superfluous, but what oftener happens is that some censure is passed on a public servant in a side remark from the Bench, which he has no opportunity of answering, or which the presiding officer may not have thought of sufficient importance to require verification. It would be extremely hazardous and unfair to accept such a remark as a deliberate judgment, and there seems no safe general rule except that a public servant, unless himself convicted at a judicial trial, has a right to defend himself departmentally against any imputation that he may have therein incurred.

14. The system enjoined might result occasionally in undesirable individuals being retained in the service who would otherwise be got rid of, but the Governor in Council is satisfied that its general tendency would be to raise the tone of the Native subordinate service. Any disposition on the part of superiors to seek opportunities of making examples, and to act on general impressions in disposing of specific charges, is calculated to encourage the prevailing habit of intrigue and false accusations among their Native subordinates. So far as dismissals are examples rather of the precariousness of the Government service than of a strictly just discipline, their effect must be demoralising. Such examples, instead of having a deterrent effect, must rather suggest the use of opportunities for laying by provision for the future, in case the Government pension should never be attained.

15. The Governor in Council has purposely confined these remarks to dismissals for misconduct. Dismissals for inefficiency, though equally falling within the scope of the observations of the Court of Directors in 1851, depend on a different set of principles, and His Excellency in Council has not observed any need for correction in the practice of dealing with this class of cases.

16. The case of peons differs in some respects from that of Government servants of a superior class. Though their service is pensionable, they belong to the class of cultivators and the lower rank of domestic servants; their parents have put themselves to no sacrifices to educate them for the public service, and they require to be kept very strictly in hand. But however unwilling the Government may be in such cases to interfere with the discretion of Departmental authorities, it will be gathered from what has been said that the Governor in Council expects from the responsible officers the exercise of a fair and impartial consideration of the case even of the humblest servants of Government. Loose decisions and inconsiderate dismissals are stains upon the administration.

B 1423—6

Dismissals: General principles to be observed when public servants are merely removed or discharged and when they are dismissed.

No. 3498.

GENERAL DEPARTMENT.

Bombay Castle, 22nd August 1895.

Memorandum from the Public Works Department of the Secretariat, No. 651-E., dated 4th August 1894.
Memorandum from the Legislative Department of the Secretariat, No. 181, dated 8th August 1894.
Letter from the Political Department of the Secretariat, No. 4981, dated 11th August 1894.
Memorandum from the Judicial Department of the Secretariat, No. 5751, dated 18th August 1894.
Memorandum from the Military Department of the Secretariat, No. 1445-G., dated 25th August 1894.
Memorandum from the Marine Department of the Secretariat, No 262-G., dated 5th September 1894.
Memorandum from the Ecclesiastical Department of the Secretariat, No. 103-G., dated 5th September 1894.
Letter from the Educational Department of the Secretariat, No. 1887, dated 12th September 1894.
Memorandum from the Financial Department of the Secretariat, No. 3132, dated 25th September 1894.
Memorandum from the Public Works Department of the Secretariat (Railway), No. 1948, dated 1st October 1894.
Memorandum from the Revenue Department of the Secretariat, No. 8182, dated 4th October 1894.

} Replying to Government Resolution No. 2233, dated 24th July 1894.

Letter to the Government of India, No. 4738, dated 15th December 1894.

Letter from the Government of India, Home Department (Public), No. 10-PUBLIC—918, dated 15th June 1895:—

"In the Circular letter from this Department, No. 11-PUBLIC—1085-1094, dated the 21st June 1894, the Government of India enquired what rule was observed with regard to giving Government officers necessary information as to dismissals of public servants; whether any difference was made between cases where re-employment is prohibited and where it is not; and whether in any case of dismissal in which it is decided to issue a public notification, the cause which led to the dismissal is specified. The replies received to the letter of 21st June show that an uniform practice is not observed in the different Provinces in dealing with this matter. The Governor General in Council accordingly deems it desirable to state the general principles which should be observed in disposing of such cases.

"2. In the first place His Excellency in Council desires to direct attention to the distinction that exists between the removal or discharge, and the dismissal, of a public servant. Removal from office for such a cause as unfitness for the duties of the office need not usually entail any further consequences. It ought not to bar re-appointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-employment under Government.

"3. In cases of dismissal, on the other hand, the effect of the order should be to preclude the dismissed officer from being re-employed. Ordinary cases of the dismissal of non-gazetted officers need not be notified in the *Government Gazette*. As a precaution against the inadvertent re-employment of men who may have been dismissed, it would be sufficient to rule that officers should ascertain whether an applicant for a post has been in Government service before, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and a person who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered. The sanction of the Local Government or Administration should always be required to the re-employment of persons dismissed.

"4. The dismissal of public servants should, the Governor General in Council considers, be notified in the Gazette only in the following cases, viz., (1) when it is necessary to notify the public of the removal from service of an officer, whether because his appointment was previously gazetted or from any other cause, and (2) when it is specially desired to exclude from re-employment in the service of Government a public servant who has been dismissed for a heinous offence, such as fraud or falsification of accounts.

"5. The reasons for the dismissal of a public officer should not be stated in the notification regarding his dismissal even in cases in which a conviction has been obtained in a Criminal Court. It will be sufficient to announce in the case of any person, whose dismissal will be notified in accordance with the principle laid down in paragraph 4 of this circular, that the Government has dispensed with his services, except in those cases in which the cause of dismissal constitutes a disqualification under the terms of the law regulating the tenure of a particular appointment, and it is for this reason necessary to couple with the announcement of the dismissal a statement of the grounds upon which it has been ordered.

"6. The Government of India leave it to the Local Governments to make such arrangements as they think necessary for securing that officers serving under them are informed what Government servants, other than those whose dismissals have been gazetted, have been dismissed. There is not before the Government of India sufficient evidence to show that it is necessary to communicate such information between Provinces, if the precautions above mentioned are taken by officers when making appointments to vacant posts."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information and guidance.

2. With reference to paragraph 6 of the letter it does not appear necessary to do more than to adopt the precautions mentioned in paragraph 3 thereof.

Dismissals : Procedure to be followed in cases of dismissal of public servants.

No. 6117.

GENERAL DEPARTMENT.

Bombay Castle, 7th November 1898.

Letter from the Government of India, Home Department (Public), No. 2032, dated the 15th October 1898 :—

"In several recent cases of Government servants dismissed for misconduct it has been noticed that the charges laid against them have been investigated in a very unsatisfactory manner. The attention of Local Governments and Administrations is therefore drawn to the instructions contained in the Resolution of the Government of India, Home, Revenue and Agricultural Department (Public), No. 37—1389-1404, dated the 29th July 1879. It is there laid down that in all cases of dismissal of public servants, except in cases of dismissal in consequence of facts or inferences elicited at a judicial trial, or when persons have absconded with an accusation over their heads, the charges must be reduced to writing, the defence must either be taken in or reduced to writing, and the decision on the defence must also be in writing. I am to request that the strict observance of these instructions may again be impressed upon all officers concerned."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information and guidance, with reference to Government Resolution No. 2218, dated the 18th August 1879.

Official conduct; A municipal vaccinator disobeying orders directing him to do plague duty.

No. 5055.

GENERAL DEPARTMENT.

Bombay Castle, 18th September 1897.

Letter from the Collector and President, Plague Committee, Hyderabad, No. 3905, dated the 24th July 1897—Forwarding copy of a Resolution passed by the Plague Committee on the subject of the inadequacy of the punishment inflicted by the Sanitary Commissioner for the Government of Bombay in the case of a vaccinator who absconded during the plague, and in whose case the Plague Committee had decided that he should be reported to the Deputy Sanitary Commissioner as having been absent without leave from 1st April until the end of May 1897 with forfeiture of past service and pension, together with copy of the following letter No. B.—3000, dated 30th June 1897, from the Sanitary Commissioner :—

"With reference to the correspondence ending with your letter No. 1429-K. of 14th June 1897, I think it is a severe punishment to consider this vaccinator, Tirithmal Vadhumal, as absent without leave because he has refused to do plague duty. It involves the forfeiture of the results of 21 years of work. He is a vaccinator suddenly ordered to do entirely different kind of work, and in ignorance and fear he absents himself. My opinion is that those vaccinators who stuck to their work and did plague duty should be rewarded by those who employed them and marked out by the Deputy Sanitary Commissioner for promotion as soon as they can be promoted to the exclusion of those who did not so work, and in this particular case I consider leave without pay from 10th April to the time he rejoined his work will be enough punishment, together with the probable loss of promotion."

Memorandum from the Commissioner in Sind, No. 3857, dated the 6th August 1897—Submitting the above for orders; and observing as follows :—

"2. A municipal vaccinator was ordered by the Plague Committee to do plague duty at the Detention Camp, Hyderabad, on April 10th. He immediately absconded and was dismissed. The Plague Committee, however, were willing to re-employ the man provided his past service was forfeited, and reported the case to the Deputy Sanitary Commissioner, Sind Registration District.

"3. The Sanitary Commissioner appears to consider that Government servants ordered by competent authority in a crisis to assist are at liberty to consult their own convenience, and considers that leave without pay from 10th April to 31st May and probable loss of promotion are sufficient punishment.

"4. Leave without pay for three months was what the man asked for on 27th April more than a fortnight after his disappearance and the request was refused. This is, therefore, no punishment and the loss of promotion is to be only 'probable.' The Plague Committee respectfully request that their decision may be upheld.

"5. In the Acting Commissioner's view sufficient weight has not been given by the Sanitary Commissioner to the gravity of the offences of disobedience and desertion. If the vaccinator objected to the order for any reason, it was his duty first to obey and then to submit his objections to his superior officers. Not only did the vaccinator not obey, but he deserted his post of vaccinator by running away. The vaccinator was in municipal employ and was doing nothing. The Municipality were utilising every available person on plague duty. Had the Sanitary Commissioner issued the order and the vaccinator had acted as he did, it may be safely assumed that the Sanitary Commissioner would have dismissed the man, and because the order was issued by the Plague Committee, the Acting Commissioner would respectfully submit it cannot be treated differently.

"6. The Plague Committee would have been only too glad to take a lenient view were such a course advisable. The Acting Commissioner with due deference holds that in the interests of discipline they could not have done otherwise, and would venture to recommend that their action be confirmed."

Letter from the Sanitary Commissioner for the Government of Bombay, No. 3801-B., dated the 24th August 1897—Submitting his remarks with reference to Government memorandum No. P.—1210-P., dated 12th idem; and observing as follows:—

"* * * He (the vaccinator) was placed at the disposal of the Plague Committee and ordered to do plague work, a work of quite a different character, without, as far as I can gather, any extra inducement being held out to him to do it. Having reason to believe that men of a much higher training (such as men medically trained though not in Government service) had refused to come forward to do plague duty, I thought that a man who was suddenly transferred from vaccination work to plague work and absconded through fear, as no doubt he did, did not deserve to lose the fruits of 21 years' service and so I wrote letter No. 3000-B. of 30th June 1897, a copy of which is in the papers attached. The 'probable loss of promotion' is very probable indeed, but it was put in that particular way as unforeseen circumstances might arise in the future.

"He was ordered to recommence vaccination work in Hyderabad again as there was no candidate available."

RESOLUTION.—The vaccinator, Tirithmal Vadhumal, absented himself without leave from his *ordinary* duties at a particularly critical period. The punishment which the Sanitary Commissioner proposes for this very serious breach of discipline appears to Government utterly inadequate.

2. Whether the vaccinator could rightly object to being employed on plague duty, or whether such employment should entitle him to special remuneration, are matters beside the immediate question. His offence was sufficient to justify his dismissal.

3. As, however, a more lenient course has been recommended, the Governor in Council will not take exception to the man being allowed to resume his duty, but no indulgence can be granted in respect of the period for which he absented himself from his post, and he must take all the consequences which such absence without leave entails.

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(15)

CIRCULAR.

No. 3150 OF 1867.

POLITICAL DEPARTMENT.

FROM

C. GONNE, ESQ.,

Secretary to Government, Bombay;

To

THE SECRETARY TO GOVERNMENT,

Revenue, General and Financial Departments.

(For such action as may be deemed necessary.)

SIR,

I am directed to communicate to you the subjoined extract from a letter from the Government of India, dated 11th September, No. 1543 of 1867.

It was proposed to the High Courts of Bengal and North-Western Provinces to issue a Circular order to the following effect:—

"A variety of practice and consequent doubts having been found to exist as to the manner in which Native gentlemen, who have adopted the English habit of dress in respect of boots or shoes and stockings, should be allowed to appear at receptions, public and private, and in Courts of Justice, His Excellency the Governor General in Council has been pleased to prescribe the following rule for general observance in the Political Department:—

B 1423—7

"Native gentlemen, distinctly habited as above, shall not be required to take off their shoes or boots upon any occasion, whether the Court or place of public or private reception be carpetted or not."

2. The Right Honourable the Governor in Council is of opinion that this rule should be generally adopted in the Bombay Presidency. In making this intimation for your guidance I am to remark that in the Political Department the rule applies only to the officers employed by the British Government, and will have no direct bearing upon the Darbars of the Native Chiefs themselves.

Bombay Castle, 9th October 1867.

No. 1716.

GENERAL DEPARTMENT.

Bombay Castle, 15th October 1867.

Copies may be forwarded for the information of the Revenue and Survey Commissioners, the Commissioner in Sind, the Commissioner of Customs, the Collector of Bombay, the Conservator of Forests, the Inspector-in-Chief, Cotton Department, the Inspector General, Indian Medical Department, the Accountant General, and the Mint Master.

No. 722.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 20th April 1868.

Read the following papers :—

"Resolution by the Government of India in the Foreign Department, General, No. 514, dated 19th March 1868 :—

Read again the undermentioned papers :

Notification dated 19th December 1854, No. 5356.

Docket from Officiating Secretary, Public Works Department, North-West Provinces, dated 27th February 1867, No. 607.

Letter from First Assistant Agent, Central India, dated 14th May 1867, No. 14-75.

From Registrar, High Court, North-West Provinces, dated 19th June 1867, No. 1294.

From Officiating Registrar, High Court, Calcutta, dated 24th July 1867, No. 2236.

Circular, dated 11th September 1867, No. 1543.

Read also the following replies to the abovementioned circular :

From Resident in Nepal, dated 21st September 1867, No. 16.

From Resident in Hyderabad, dated 9th October 1867, No. 47.

From Political Agent, Manipore, dated 24th October 1867, No. 61.

From Agent, North-East Frontier, dated 30th September 1867, No. 320.

From Agent, Rajputana, dated 30th September 1867, No. 1196-72-G.

From Agent, Central India, dated 10th October 1867, No. 64-300.

From Officiating Commissioner, Mysore, dated 5th November 1867, No. 4334-111.

From Secretary to Chief Commissioner, Burma, dated 2nd November 1867, No. 6 M-204.

From Secretary to Chief Commissioner, Central Provinces, dated 6th January 1868, No. 52-370.

From Secretary to Chief Commissioner, Oudh, dated 10th January 1868, No. 182.

From Secretary to Government, Punjab, dated 23rd September 1867, No. 345-1390.

From Secretary to Government, North-West Provinces, dated 11th January 1868, No. 8.

From Secretary to Government, Bengal, dated 10th January 1868, No. 167.

From Secretary to Government, Fort St. George, dated 4th December 1867, No. 325.

From Secretary to Government, Bombay, dated 8th October 1867, No. 241.

RESOLUTION.—For some time past the Government of India has had under its consideration the manner in which Natives of India who had adopted the European style in respect to boots and shoes should be permitted to appear on official or semi-official occasions in the presence of the servants of the British Government. The matter is not devoid of importance, as affecting the treatment of the upper classes of Natives by British officers.

2. After consulting all the principal officers in the country, civil and political, the Governor General in Council is of opinion that a definite and specific rule on the subject has become necessary.

3. At some of the Presidency towns and other large stations a practice has grown up whereby Natives wearing boots and shoes of European fashion are permitted to appear on all official and semi-official occasions before the highest functionaries of Government. The practice has for many years been allowed at Government House in Calcutta, and was definitively settled by Notification No. 5356, of the 19th December 1854, in the Foreign Department. It is now deemed requisite that the same privilege should be allowed throughout the Bengal Presidency; otherwise there would arise grave inconvenience if Natives of position and consequence, who had enjoyed this concession at the capital and before the Viceroy, were to be denied it before any British officers at the stations in the interior of the country. And unless the social practice at the Presidency be prescribed for observance everywhere *quoad* the servants of Government, and for official or semi-official occasions, individual officers at a distance might have doubt as to what course to pursue, or individual Native gentlemen might feel uncertain as to what they are or are not entitled to do; and thus embarrassing personal questions might from time to time arise.

4. His Excellency in Council is, therefore, pleased to rule that all Natives of India wearing boots or shoes of European fashion may appear thus habited before all the servants of Government, in all places within the Bengal Presidency and its dependencies, on all official or semi-official occasions, including Darbars of all descriptions. In the case of Natives wearing shoes of Indian fashion, the old social practice whereby such shoes must be taken off within the customary limits, will be maintained by the servants of Government in the official or semi-official capacities.

5. In the High Courts established by Royal Charter it will, of course, be for the Judges to decide whether any rule on the point is required for those Courts.

6. As already stated, this Resolution is only to be applicable to the Bengal Presidency and its dependencies. But a copy of this Resolution will be sent to the Governments of Madras and Bombay, for their information.

Memorandum by the Secretary to the Government of India, No. 515.

ORDERED, therefore, that copies be sent to all Departments * of the Government of India, to the Governments of Madras and Bombay, and to all Local Governments, Chief Commissioners, Residents and Agents to the Governor General, which are subordinate to the Government of India."

* Home Department.
Financial Department.
Military Department.
Public Works Department.
Secretary to the Government of Fort St. George.
Secretary to the Government of Bombay.
Secretary to the Government of Bengal.
Secretary to the Government of North-Western Provinces.
Secretary to the Government of Punjab.
Chief Commissioner of Oudh.
Chief Commissioner of the Central Provinces.
Chief Commissioner of Burma.
Commissioner of Mysore.
Commissioner of Coorg.
Agent to the Governor General in Rajputana.
Agent to the Governor General in Central India.
Agent to the Governor General, North-East Frontier.
Resident in Nepal.
Resident at Hyderabad.
Political Agent, Manipore.
Political Agent, Turkish Arabia.
Director General of Telegraphs in India.

RESOLUTION.—Copies of this Resolution should be communicated to all Civil Departments, with an intimation that these rules are to be held in force in this Presidency.

2. A transfer should be made to the Political and Judicial Departments for the issue of orders to all officers subordinate to them, a reference being made to the High Court in regard to District Judges and their Assistants.

Epidemic Diseases — Cholera.

No. 1746.

GENERAL DEPARTMENT.

Bombay Castle, 11th June 1875.

Letter from the Acting Sanitary Commissioner, No. A.—497, dated 2nd June 1875—Stating that, with the exception of the Collectorates and State marginally noted, no intimation of the existence or progress of cholera in the Presidency has been received in his office up to date, and that it appears from the record no definite instructions have been issued by Government on the subject. Also stating that a letter, dated 30th December 1870, from Colonel Bell, then Sanitary Commissioner, was addressed to the Commissioner in Sind and the two Revenue Commissioners, requesting those officers to impress on all District and Police Officers the necessity for the early communication of intelligence regarding outbreaks of epidemic disease, more especially of cholera; that these officers accordingly issued circulars to that effect, but that it seems that the matter has escaped recollection. Suggesting, therefore, for consideration, the desirability of orders being issued to all officers of Government, whether Civil or Military, to afford early intelligence of the outbreak of cholera to the Sanitary Commissioner, and keep him informed daily of its progress until the disease has disappeared from the locality.

Collectorate or State.	Town, Jail or Regiment.	Last date received.
Khándesh ...	Bhusáwal	24th May.
	Chopda	10th „
Násik ...	Násik Town ...	10th „
	Yeola	27th „
Kaira	Nadiád	12th „
	Borsad	7th „
Ahmedabad ...	Ahmedabad City ...	26th „
Poona	Yerrowda Jail ...	27th „
Baroda	22nd Regiment ...	3rd „

RESOLUTION.—In case of outbreak of cholera or other serious diseases, reports should be forwarded weekly (or oftener if the District Officer thinks necessary) to Government through the Sanitary Commissioner. These reports should contain full accounts of the preventive measures adopted, and the Sanitary Commissioner should note, with such other observations as he may deem necessary, whether the measures adopted are such as he considers best under the circumstances.

2. These returns will be extremely useful when submitted to the professional scrutiny of the Sanitary Commissioner in showing the measures most effectual in checking disease.

3. Of course, the Sanitary Commissioner will visit any affected locality if he thinks it desirable to do so, and will report direct to Government.

Cholera: Submission of —— reports.

No. 2607.

GENERAL DEPARTMENT.

Bombay Castle, 26th July 1888.

Memorandum from the Commissioner, N. D., No. 1426, dated 8th May 1888—Submitting copies of correspondence with the Collector of Broach, who states that at present on the outbreak of cholera in any district a report has to be submitted by the Collector to Government, the Commissioner of the Division and the Sanitary Commissioner; observes that when the outbreak is near a railway station, the Municipal Commissioner, Bombay, has also to be informed; and suggests that for the reasons given the reports submitted to Government and the Sanitary Commissioner may be discontinued.

Letter from the Sanitary Commissioner for the Government of Bombay, No. B.—1543, dated 4th June 1888—Reporting on the above; and stating that in his opinion it is advisable that Collectors should continue to report to the Sanitary Commissioner direct the appearance of epidemic disease in their districts.

RESOLUTION.—In future reports of outbreaks of cholera should only be furnished to Government direct by the Collectors in cases where the outbreak occurs in a town containing over 10,000 inhabitants or at a place of pilgrimage, and is of an epidemic and not merely a sporadic character; and in other cases which the Collectors deem to be of an unusually serious character.

2. As regards reports to Divisional Commissioners by Collectors, they should be made only when the Commissioners are on tour or the outbreak occurs at a place of pilgrimage.

3. No alteration should be made in the system under which reports are now furnished by Collectors to the Sanitary Commissioner and the Municipal Commissioner, Bombay.

4. The Sanitary Commissioner should be requested to see that the reports furnished by him to Government are sent in without delay and that Government are informed through those reports of fresh outbreaks and of increases or decreases in the number of cases. This information can easily be supplied in a suitable form prepared for the purpose.

Epidemic Disease: Orders for the submission to Government of reports regarding the outbreak of any serious epidemic disease.

No. 4562.

GENERAL DEPARTMENT.

Bombay Castle, 15th August 1898.

Resolution of Government in the Judicial Department, No. 4810, dated the 13th July 1898.—Issuing certain instructions relative to the submission of reports to Government in regard to matters of political or administrative importance, or events which have excited public interest; and stating (paragraph 5) that reports of the nature referred to should invariably be addressed to Government in the Judicial Department, and that reports regarding the outbreak of any serious epidemic disease will continue to be addressed to Government in accordance with instructions in the General Department.

RESOLUTION.—Copies of Government Resolution, Judicial Department, No. 4810, dated the 13th July 1898, should be forwarded to the Heads of Offices under the General Department.

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2. In Government Resolution No. 1746, dated the 11th June 1875, it was directed that in the case of an outbreak of cholera or other serious disease reports should be submitted weekly (or oftener if the District Officer thought it necessary) to Government through the Sanitary Commissioner. In Government Resolution No. 2607, dated the 26th July 1888, certain instructions were issued about the submission of reports regarding outbreaks of cholera. No reports are, however, received by Government regarding outbreaks of small-pox or other serious epidemic disease, and the Sanitary Commissioner should be requested to submit, in addition to the reports regarding cholera, a weekly abstract of the reports regarding small-pox or other serious epidemic disease received by him under the orders of 1875 quoted above. Any very important outbreak of epidemic disease, especially one likely to affect foreign trade, *e.g.*, at Bombay or Karáchi, should be at once reported to Government by the Municipal Commissioner for the City of Bombay or the Collector of the District concerned as the case may be.

3. These orders will not apply to plague as long as the special Plague Department continues. Reports regarding plague should be submitted as usual under the instructions issued by the Plague Department.

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Fines.

No. 4113.

FINANCIAL DEPARTMENT.

Bombay Castle, 5th October 1876.

Letter from the Accountant General, No. A.P.—8958, dated 12th September 1876—Stating that Government in their Resolution No. 3514, dated 25th August last, have directed that the objection raised by his Department to the admission of a payment made to a Kárkun of the Registration Department from Fines should be withdrawn without deciding the point raised as to whether fines once levied can be appropriated at the discretion of officers; observing that the question is an important one, and involves a principle of account and audit; and soliciting an authoritative decision thereon.

Memorandum from the Accountant General, No. A.P.—9662, dated 25th September 1876—Stating that the order bearing date the 20th November 1832, authorizing Heads of Departments to assign as rewards to deserving individuals in their Departments the amount of fines levied for neglect of duty or misconduct in their duties cannot now be applied, as under the present system of account the net amount payable to an establishment, *i.e.*, minus fines, is drawn from the Treasury, and there is, therefore, no sum at credit in the accounts from which deserving individuals can be paid.

RESOLUTION.—The sanction accorded in Government Resolution No. 3514, dated 25th August 1876, was a special one, and is not to form a precedent.

2. In supersession of Government Notification dated 20th November 1832 Government are pleased to direct that fines levied by Heads of Departments from their subordinates for neglect of duty or misconduct should not be appropriated in any way at the discretion of the officers imposing them.

Forced Resignation.

Extract paragraph 4 of Government letter to the Acting Collector of Ahmedabad, No. 7561, dated 23rd July 1851, forwarded to the Revenue Commissioners for circulation with Government memorandum No. 7562 (A) of 23rd July 1851 :— .

4. His Lordship in Council altogether disapproves of Government servants being constrained, as it were, to resign by threats of ulterior proceedings should they remain in the service. If a servant has done anything to merit such proceedings, these should be taken; but to offer the alternative of resignation may be to influence the timid and honest man to do what will mar his prospects, and enable the bolder and guilty man to escape the punishment he deserves, and, as in the present case, to manufacture, at a future period, a plausible account of the circumstances which led to his resigning.

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(19)

Government Servants : Regarding the grant of legal assistance for the defence of — charged with criminal offences in regard to their official duties.

No. 3800.

GENERAL DEPARTMENT.

Bombay Castle, 5th July 1898.

RESOLUTION OF GOVERNMENT.

Government are pleased to rule that a Government servant charged with a criminal offence in regard to his official duty, who considers it necessary to obtain legal assistance for his defence, must, if he proposes to seek re-imbursement from Government, immediately refer to his official superior the question whether the case is one in which *primâ facie* it is reasonably necessary to engage such assistance.

2. The expression of an opinion by a responsible officer that the retention of professional assistance is necessary or advisable must not be understood to pledge Government, and Government will not in any case sanction the disbursement of fees for special counsel when ordinary professional assistance would have sufficed.

Government Servants : Regarding the grant of legal assistance for the defence of — charged with criminal offences in regard to their official duties.

CIRCULAR.

No. 1408.

GENERAL DEPARTMENT.

Bombay Castle, 12th March 1901.

Government Resolution No. 3800 of the 5th July 1898, General Department, laid down that a Government servant charged with a criminal offence in regard to his official duty, who considered it necessary to obtain legal assistance for his defence, must, if he proposed to seek re-imbursement from Government, immediately refer to his official superior the question whether the case was one in which *primâ facie* it was reasonably necessary to engage such assistance; and that Government would not in any case sanction the disbursement of fees for special counsel when ordinary professional assistance would have sufficed.

2. Claims recently made by certain Police officers for the re-imbursement of legal expenses incurred in defending criminal charges brought against them indicate that the above standing orders are either not generally known or not strictly observed. The Governor in Council is therefore pleased to lay down that in future no re-imbursement of legal expenses will be sanctioned in any case unless the following procedure has been strictly followed :—

(*a*) Before employing professional assistance the Government servant against whom a criminal charge has been made must apply for permission to his official superior; the latter should, if there is time, immediately refer the matter for the orders of Government, but may, if time does not permit for such reference, grant or refuse permission, subject to the approval of Government, and at once report his action to Government.

(*b*) In no case will Government sanction the re-imbursement of legal expenses at a higher rate than the following :—

For a Pleader ...	In a Magistrate's Court, Rs. 25 per diem, In a Court of Session, Rs. 50 per diem,
For Special Counsel...	In any Court, Rs. 100 per diem,

unless their previous sanction has been obtained to the payment of higher fees.

(*c*) All applications for re-imbursement of legal charges must reach Government within two months of the conclusion of the proceedings.

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(20)

NOTIFICATION.

GENERAL DEPARTMENT.

Bombay Castle, 21st February 1855.

The following Despatch from the Honourable the Court of Directors to the Government of India is republished for general information :—

"No. 18 OF 1854.

PUBLIC DEPARTMENT.

Our Governor General of India in Council:

1. In our Despatch of this date, No. 6, to the Government of Bombay we have given our views on a question submitted by that Government, viz. :—

'Whether a public declaration of insolvency on the part of our Civil Servants is to be regarded as a disqualification for office, or to be visited by Government with any marks of its disapprobation.'

2. In reply to this question we have said : 'We have no hesitation in giving it as our decision that such a declaration of insolvency as is involved in a resort to the Insolvent Debtors' Court for relief is quite incompatible with the maintenance of that high character for independence which we regard as essential in those filling offices of trust and authority in our service. We direct, therefore, that in the event of any one of our Civil Servants at any time availing himself of the means afforded by the Court to obtain relief from his liabilities, he be suspended from public employment and his case forthwith reported to us for final orders. You will give public notification to this effect in such way as you may think proper.'

3. You will consider these views as of general application under all our Governments.

London, 22nd March 1854."

No. 1323.

FINANCIAL DEPARTMENT.

Bombay Castle, 13th March 1877.

Letter from the Accountant General, No. G.—17145, dated 20th February 1877—Observing with reference to Government memorandum No. 872, dated 12th idem, that the course which should be followed by the Head of an Office in respect to any member of his establishment, who may have recourse to the Insolvent Court, is not clearly defined by the existing standing orders on the subject of insolvency; that the existing standing orders marginally quoted appear somewhat conflicting: the first recognises the discredit of the offence of insolvency as a sufficient cause for dismissal from the public service, but does not make dismissal an inevitable result of application to the Insolvent Court; the second directs (paragraph 8) that any clerk having recourse to the Insolvent Court will be deemed to have forfeited his appointment, and although it provides for the suspension of the defaulter as well as for a report of the particulars of the case to the Head of the Department concerned, yet all such temporary relaxations of the rule may be held to have been disallowed by Government Circular No. 6307, dated 17th November 1873, and a degree of uncertainty therefore prevails on the subject, it being doubtful whether or not under the last-mentioned circular an employé of Government having recourse to the Insolvent Court *ipso facto* forfeits his appointment; stating that cases may arise occasionally which justify the reservation made in the Notification of 1858, and as the Government of India have not gone beyond that Notification in the orders issued on the subject (*vide* Government of India, Home Department, No. 100, dated 12th January 1856), suggesting that the terms of that Notification may be regarded as the *standing orders* on insolvency, each case being reported to Government for orders, with a report of the circumstances that have led to the insolvent's embarrassments, and a recommendation for the relaxation of the dismissal clause, if such embarrassments have been the result of unforeseen misfortunes.

Government Notification, General Department, dated 10th December 1858, *Government Gazette*, page 907.

Government Notification, General Department, dated 7th November 1870, *Government Gazette*, page 1195.

RESOLUTION.—Government agree with the Accountant General that the orders of the Government of India * No. 100, dated 12th January 1856, are to be considered the standing orders which should guide the treatment of the cases of insolvency of Government servants, each case being reported to Government for orders, with a full statement of the circumstances that have led to the insolvent's embarrassments, and the opinion of the Head of the Office or Department whether any relaxation of the rule should be granted.

* "An uncovenanted servant taking the benefit of the Insolvent Act is to be dismissed the service, unless he can show that his insolvency was produced from causes over which he had no control" (*vide* Digest of Service Rules, paragraph 879).

No. 896.

GENERAL DEPARTMENT.

Bombay Castle, 30th March 1880.

Read again :—

Resolution of the Government of India, No. 100, dated 12th January 1856—Ruling that "an uncovenanted servant taking the benefit of the Insolvent Act is to be dismissed the service, unless he can show that his insolvency was produced from causes over which he had no control."

Government Resolution No. 1323, dated 13th March 1877, Financial Department—Directing that "the orders of the Government of India, No. 100, dated 12th January 1856, are to be considered the standing orders which should guide the treatment of the cases of insolvency of Government servants, each case being reported to Government for orders with a full statement of the circumstances that have led to the insolvent's embarrassments and the opinion of the Head of the Office or Department whether any relaxation of the rule should be granted."

Government Resolution No. 2799, dated 2nd October 1877, General Department—Directing that, in future, in cases of the insolvency of Government servants "the penalty of dismissal from Government service will be enforced strictly."

Government Resolution No. 5380, dated 17th September 1878, Judicial Department—Stating that it is "inexpedient and a bad precedent for Government to permit one of their servants to apply for the benefit of the Act. Whether he should apply or not must be left to the person's own discretion; if he does apply, it is then for Government to decide whether the rule regarding dismissal should be relaxed or not."

Government Resolution No. 5616, dated 17th September 1879, Judicial Department—Desiring the Accountant General to inform Government whenever a Government servant applies for the benefit of the Act, and directing that the pay of the individual should not be retrenched until Government had decided on dismissing him from their service.

RESOLUTION.—The attention of Government has been drawn to the increase in the number of cases of the insolvency of Government servants which has recently taken place. The policy to be adopted with regard to uncovenanted servants applying for the protection of the Insolvent Court is clearly shown in the orders cited in the preamble of this Resolution. Under these orders every such person is liable to be dismissed from the service of Government. Whether the dismissal should actually take place or not will depend on the particular circumstances of each case, which should therefore be always fully and carefully reported on.

2. With a view to secure uniformity in the issue of orders on the subject, the Honourable the Governor in Council is pleased to direct that whenever any application from a Government servant for the benefit of the Insolvent Act is received in any Department, the papers should be transferred with full particulars of the case, which should be verified, to the General Department, whence all orders disposing of such applications should be issued in future.

3. Copies of this Resolution should be communicated to all Departments of the Secretariat and all Heads of Offices for information and guidance.

Home Department dated 12th January 1856 and No. 300, dated 8th February 1880:—

"A public servant arrested for debt, or having recourse to the Insolvent Court, will be deemed to have forfeited his appointment, unless it can be proved that his embarrassment was the result of unforeseen misfortune or of circumstances over which he could have no control. This rule should be strictly observed, and every case should be reported to Government with a copy of the schedule filed in the Insolvent Court when recourse is had to that Court."

Insolvency of Government Servants: Standing orders regarding the —.

No. 381.

GENERAL DEPARTMENT.

Bombay Castle, 4th February 1884.

Resolution of the Government of India, Home Department (Public), No. 2-77—102, dated 19th January 1884:—

"READ—

Home Department Resolution No. 100, dated the 12th January 1856.

RESOLUTION.

In the Resolution of January 1856, cited above, Heads of Offices having establishments in the pay of Government were directed to impress upon their subordinates the discredit attaching to a resort to the Insolvent Court, and to warn them that such a proceeding would be considered as of itself constituting a sufficient cause for exclusion

from the public service unless it should appear that the embarrassments of the insolvent had been the result of unforeseen misfortunes or of circumstances over which he could exercise no control, and had not proceeded from dissipated and extravagant habits. By a Circular Memorandum No. 67-2816 to 2821, dated the 19th November 1874, Heads of Departments under the Government of India were requested to hold the Registrar or Head of the Office responsible for reporting to the Secretary in charge or to the Chief of the Department the insolvency of clerks or other assistants.

2. As there is reason to believe that the operation of these orders has to some extent been lost sight of, the Governor General in Council in reproducing them desires to direct the attention of all Local Governments and Heads of Departments to the imperative duty which devolves upon them of taking severe notice of the misconduct of clerks and other employés who allow themselves to fall into embarrassed circumstances. It is no valid excuse for hopeless indebtedness to show that it has been caused by standing security for friends, the plea which is frequently put forward in such cases. Assistants in Government offices should clearly understand that if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal."

RESOLUTION.—The Resolution of the Government of India should be republished in the *Bombay Government Gazette* and copies of it should be forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance in continuation of Government Resolution No. 896, dated 30th March 1880.

2. A copy of this Resolution should be given to every clerk on first appointment to Government service, and it should be entered in the order book of every Government office.

Insolvency.

No. 648.

GENERAL DEPARTMENT.

Bombay Castle, 29th February 1888.

RESOLUTION.—*Prima facie* a Government servant becoming insolvent is subject to dismissal. It is only when the Head of his Department, when the proceedings in insolvency have been completed, reports that special circumstances entitle the insolvent to favour, that Government can relax the general rule.

Insolvency of Government servants : Question regarding the —.

No. 1444.

GENERAL DEPARTMENT.

Bombay Castle, 7th May 1888.

RESOLUTION.—Insolvency in the sense of the Resolutions of Government on that subject is equally a ground for dismissal from the public service, whether it is declared in the Insolvency Court at Bombay or in a Civil Court elsewhere under the Code of Civil Procedure. The state contemplated by Government arises whenever a debtor, being a servant of Government, applies to a Court for a suspension or interruption of the ordinary process of execution by a creditor on the ground of inability to pay his debts. The report is to be made when the application is disposed of by a final order.

Indebtedness of Government Servants: Orders regarding the.—

No. 4409.

GENERAL DEPARTMENT.

Bombay Castle, 23rd October 1889.

Resolution of the Government of India, Home Department (Public), No. 29—1770-92, dated 8th October 1889:—

"Read again:—

Home Department Resolution No. 2-77 to 102 (Public), dated 19th January 1884.

RESOLUTION.

In the Resolution of January 1884, cited in the preamble, the Governor General in Council invited the attention of all Local Governments and Heads of Departments to the imperative duty which devolves on them of taking severe notice of the conduct of clerks and other employés who allow themselves to fall into embarrassed circumstances, and it was pointed out that assistants in Government offices should clearly understand that, if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal.

2. His Excellency in Council has reason to fear that the tenor of these orders has not always been properly understood, and desires to supplement them by more definite instructions as to what constitutes such a state of indebtedness as to render it undesirable that a person should be retained in the public service. The Governor General in Council accordingly directs that where half the salary of a Government official is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, under ordinary circumstances, it will require more than two years to repay, a full schedule of the officer's debts should be obtained by the Head of the Office and the case dealt with in the same way as if the debtor had taken advantage of the Insolvency Court. In such cases it should be specially ascertained—

(1) what is the proportion of the debts to the salary and the extent to which they detract from the debtor's efficiency as a public servant;

(2) whether the debtor's position is irretrievable;

(3) whether it is desirable under the circumstances to retain him—

(*a*) in the particular post he occupies, or

(*b*) in any position under Government.

It will be for Local Governments and the different Departments under the Government of India to issue subsidiary directions to officers subordinate to them as to the authority to which the schedule of debts and the report on it should be submitted for orders."

RESOLUTION.—The Resolution of the Government of India should be republished in the *Bombay Government Gazette* and copies of it forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance in continuation of Government Resolution No. 381, dated 4th February 1884.

2. A copy of this Resolution should be given to every clerk on first appointment to Government service and it should be entered in the order book of every Government office.

CIRCULAR.

No. 3596.

GENERAL DEPARTMENT.

Bombay Castle, 6th September 1890.

An instance having come to the notice of Government in which a Government servant, who had made an application for the benefit of the Insolvent Debtors' Act, was found to have delayed the speedy termination of the proceedings in his case, His Excellency the Governor in Council is pleased to direct that in future the applicant should carry on the necessary proceedings as expeditiously as the rules of the Court allow of. Should he fail to do so he will be held liable to suspension from office after six months from the date of the institution by him of proceedings.

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(21)

Insolvents.

No. 3256.

GENERAL DEPARTMENT.

Bombay Castle, 29th September 1881.

Transfer from the Judicial Department of the Secretariat, No. 6134, dated 17th September 1881, of the following papers :—

Letter from the Accountant General, No. P.A.-3514, dated 27th May 1881.—Reporting, with reference to Government Resolution, Judicial Department, No. 6086 of 9th October 1879, that Putlaji (*alias* Bhawoo) Krastnaji, a peon in the High Court, Original Side, has applied for the benefit of the Act for the relief of Insolvent Debtors.

Memorandum from the Prothonotary and Registrar, Original Jurisdiction, No. 161-A., dated 13th September 1881.—Submitting a report on the above; stating that the pay of Putlaji Krastnaji is Rs. 10 a month, but having been an old servant of the Honourable Mr. Justice Bayley, he receives from him Rs. 8 per month, thus getting a total salary of Rs. 18; and adding that his liabilities amount to Rs. 334-3-3, which he incurred chiefly by standing security for others and through insufficiency of income.

RESOLUTION.—Government do not consider it necessary to interfere in the case of menial servants.

Insolvents: Exemption of piece-work compositors from the rule regarding insolvency of Government servants.

No. 2301.

GENERAL DEPARTMENT.

Bombay Castle, 20th June 1882.

Letter from the Superintendent, Government Central Press, No. 1769, dated 10th June 1882.—Submitting an application from Ganpat Ramji, a piece-work compositor at the Press, for permission to apply for the benefit of the Insolvent Act; and recommending that under the circumstances stated therein the necessary permission may be granted.

B 1423—10

RESOLUTION.—Government have decided not to interfere in the case of menial servants (Government Resolution No. 3256, dated 29th September 1881), and the same principle should be applied to piece-work compositors.

Insolvency of Government Servants: Exemption of section-writers from the operation of the rule regarding the —.

No. 2557.

GENERAL DEPARTMENT.

Bombay Castle, 8th July 1882.

Memorandum by the Superintendent, General Department, Secretariat, dated 26th June 1882.—Stating that Mr. Ramchandra Narayan, one of the sectioners in the Revenue, Financial and General Departments (attached to the General Department), has applied for the benefit of the Insolvent Debtors' Act; intimating that the standing orders on the subject of the insolvency of Government servants are contained in Government Resolution No. 896, dated 30th March 1880; soliciting instructions as to whether Mr. Ramchandra should be permitted to remain in the service pending the hearing of his case by the Judge of the Insolvent Debtors' Court; and adding that Government have decided not to interfere in the case of menial servants (Government Resolution No. 3256, dated 29th September 1881) and piece-work compositors (Government Resolution No. 2301, dated 20th June 1882).

RESOLUTION.—The standing orders need not be applied to section-writers.

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(22)

CIRCULAR.

No. 6727 OF 1883.

REVENUE DEPARTMENT.

Bombay Castle, 11th September 1883.

His Excellency the Right Honourable the Governor in Council is pleased to direct that officers returning from furlough or privilege leave should call at the Secretariat* on their arrival in Bombay and personally enquire their destination, as instances have occurred of officers proceeding straight to their last appointment though gazetted to another, long and expensive journeys, which might have been avoided by enquiry, being thus occasioned.

Vide Rule 6, Section 162, Chapter XVI of the Civil Leave Code.

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(23)

No. 11 OF 1895.

GENERAL DEPARTMENT.

Bombay Castle, 3rd January 1895.

RESOLUTION OF GOVERNMENT.

Gazetted officers of all Civil Departments, other than the Public Works Department, who may intend to apply for leave, are desired to give the earliest possible intimation of their intention to the Private Secretary, for the information of His Excellency the Governor.

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(24)

Leave of Absence: Officers granted long leave to Europe on account of ill-health not to be permitted to return to duty unless they first obtain a certificate of fitness for duty in India.

No. 3354.

FINANCIAL DEPARTMENT.

Bombay Castle, 31st July 1897.

Resolution of the Government of India, Finance and Commerce Department, No. 2978-P., dated 8th July 1897:—

"Read—

Despatch from Her Majesty's Secretary of State for India, No. 236 (Financial), dated 31st December 1896.

RESOLUTION.—In accordance with the instructions of Her Majesty's Secretary of State for India in the Despatch read above, the Governor General in Council is pleased to direct that in future no officer granted long leave to Europe on account of ill-health, whether the leave be technically leave on medical certificate or not, shall be allowed to return to duty, unless he first obtains a certificate of fitness for duty in India.

2. In order that effect may be given to these orders, the fact of the leave having been granted on a medical certificate should invariably be stated in the leave and pay certificates furnished to officers proceeding on leave to Europe granted on account of ill-health, whether the leave be technically leave on medical certificate or not.

3. To enable the Account Officer to make the necessary entry in the leave and pay certificate, the Local Government or other authority granting leave to an officer on account of ill-health should in each case inform the Account Officer of the reason for the grant of the leave.

ORDER.—Ordered, that copies of this Resolution be forwarded to all Local Governments and Administrations, to the Departments of the Government of India, to the Heads of Departments subordinate to this Department, to the Comptroller and Auditor General, and to all Accountants General and Comptrollers, for information."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information and guidance.

No. 872.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 9th May 1868.

Read the following papers :—

"Extract from the Proceedings of the Government of India in the Home Department (Legislative), under date the 27th April 1868, No. 31—194.

RESOLUTION.—The Governor General in Council has observed that Public Officers are in the habit of addressing demi-official communications to the Legislative Branch of this Department, or to Members of the Council of the Governor General, on the subject of Bills pending before the Council of His Excellency for making Laws and Regulations, and that the practice has become a source of considerable inconvenience and confusion. His Excellency in Council, therefore, requests that all Local Governments and Administrations will be so good as to inform all officers serving under them that if such officers wish to offer any remarks in regard to Bills under consideration they should do so through the Local Government under which they may be serving.

This Resolution is not intended to apply to Judges of the High or Chief Courts.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Governments of Madras, Bombay, Bengal, North-Western Provinces and the Punjab; the Chief Commissioners of the Central Provinces, Oudh and British Burma; the Resident at Hyderabad and the Commissioner of Mysore, for information and guidance, and for communication to the officers subordinate to them.

Also, that a copy of this Resolution be forwarded to the Legislative Branch, with a request that no demi-official communications from officers of Government may be printed and circulated unless received through a Local Government or through this Department."

Memorandum by W. Wedderburn, Esq., Under Secretary to Government in the Legislative Department, No. 71, dated 5th May 1868 :—

"Copy forwarded to the Revenue, General and Financial Departments, for information and guidance."

RESOLUTION.—Copies to be communicated for the information and guidance of all Officers serving under the Revenue, Financial and General Departments.

No. 166.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 11th February 1879.

Memorandum from the Government of India, Home Department (Public), No. 10—233, dated 30th January 1879.—Forwarding, for information and guidance, copy of a Despatch from Her Majesty's Secretary of State for India, directing that servants of the Government in India soliciting his patronage for works published by them in India should prefer their requests through the Government under which they are serving.

RESOLUTION.—Copy should be forwarded to the Director of Public Instruction for information and communication to the officers under him.

2. Copies should also be forwarded to all Departments for communication to officers under them.

No. 89 (Statistics and Commerce—Geographical), dated India Office, London, the 19th December 1879.

From—Her Majesty's Secretary of State for India;

To—His Excellency the Right Honourable the Governor General of India in Council.

I transmit for the information of Your Excellency a copy of a Despatch* addressed to the Government of Madras, regarding the patronage by the Secretary of State of a map published by a servant of Government in Madras.

* No. 12, dated the 19th December 1878.

No. 12 (Statistics and Commerce—Geographical), dated India Office, London, the 19th December 1878.

From—Her Majesty's Secretary of State for India;

To—His Grace the Governor of Madras in Council.

Mr. J. W. Jackson, the Lithographer in the Government Lithographic Department, has forwarded to me a copy of the second edition of his map of Madras in book form.

2. Assuming that you have permitted him to sell this work on his own account, I request that he may be paid the sum of Rs. 11 for this map and also Rs. 6 for a second copy, in sheets coloured, with which I desired to be supplied.

3. It would be more convenient that servants of the Government in India soliciting the patronage of the Secretary of State for works published by them in India should prefer their requests through the Government under which they are serving.

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(27)

Medals: Grant of — by the Royal Humane Society.

No. 4691.

GENERAL DEPARTMENT.

Bombay Castle, 12th November 1895.

Letter from the Government of India in the Home Department, Public, No. 25 PUBLIC—1719, dated 19th October 1895:—

"In continuation of the endorsement from this Department No. 31 PUBLIC—1972, dated the 21st October 1889, regarding the transmission of applications for the award of medals or certificates by the Royal Humane Society, I am directed to forward for the information of His Excellency the Governor in Council an extract from a letter, dated the 26th August last, addressed by the Society to Her Majesty's Secretary of State for India, in which it is pointed out that eighteen months is the maximum time allowed for reporting cases from any part of the world."

RESOLUTION.—Copies of the letter from the Government of India and of its accompaniment should be forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance with reference to Government Resolution No. 4625, dated 7th November 1889.

Extract from a letter, dated the 26th August 1895, from the Royal Humane Society to Her Majesty's Under Secretary of State for India.

I am directed by the Committee to say that this case is very much out of date, eighteen months being the maximum time allowed for reporting cases from any part of the world, and that having been dealt with exceptionally it will not be taken as a precedent in any future cases.

Medals: Grant of — by the Royal Humane Society.

No. 5314.

GENERAL DEPARTMENT.

Bombay Castle, 1st October 1897.

Despatch from Her Majesty's Secretary of State for India, No. 8, Public, dated the 19th August 1897—

Transmitting, with reference to the Despatch from this Government No. 14, dated 2nd July 1897 (*vide* Government Resolution No. 3409, dated 24th June 1897), a copy of the following letter, dated 3rd idem, from the Secretary, Royal Humane Society, London:—

> "I have the honour, with reference to letter J. & P.—1413, dated 23rd July 1897, to enclose herewith a form to be filled in with particulars of the case referred to in the document herewith returned, so that the date and other necessary details may be added. * * * * *"

and requesting that the form may be filled in and returned to the India Office.

RESOLUTION.—A copy of the form accompanying the letter from the Secretary, Royal Humane Society, should be forwarded to the Collector of the Panch Mahâls, with a request that the necessary particulars may be filled in and the form returned.

2. Copies of the letter from the Secretary, Royal Humane Society, and of the form accompanying it should be forwarded to all Departments of the Secretariat and all Heads of Offices, with an intimation that in future any recommendations for recognition by the Royal Humane Society of gallantry in saving life from drowning should be accompanied by particulars in this form.

(*Accompaniment to Government Resolution No.* 5314, *dated* 1*st October* 1897.)

ROYAL HUMANE SOCIETY.

INSTRUCTIONS TO APPLICANTS FOR THE REWARDS OF THE SOCIETY, setting forth the particulars of the case of _____ who risked his life in rescuing or attempting to rescue _____ at _____ on the _____ 189 .

Pecuniary Rewards are limited to cases which occur within thirty miles of the Metropolis.

1. Name, Address, Age, and Occupation of the Salvor or Salvors.	
2. Did any other person or persons assist in the rescue or attempted rescue? If so, state their names and addresses.	
3. Name, Address, Age, and Occupation of the person saved.	

4. Time of Day, Date, and Place at which the Accident occurred, with exact particulars of how the Accident happened, and in what manner the Person was reached. If in a River, state its Breadth and Depth, and whether any Tide or Stream was running. If in a Canal, Lake, Pond, or Reservoir, its Breadth, Depth, and Size. The distance from the shore or bank of the spot where the rescue took place, and the depth at that spot, with any other particulars explanatory of the cause of the accident.	
5. If the case occurred at Sea, state the nature of the wind, weather, and sea, speed of the vessel, whether under sail, or steam, or both.	
6. Was a Life-belt or any available appliances used in the rescue?	
7. The precise nature of the risk incurred by the Salvor or Salvors.	
8. How long the person rescued had been in the water, and his state when rescued.	
9. Where taken to; who was sent for; who came; what was then done, and what kind of treatment was adopted.	
10. The statement of the *person saved* should, if possible, be sent.	
11. Has application been made to any other Society for reward, or is there any intention of doing so?	

Signature of { *Applicant* _____ *or* *Salvor* _____

It is requisite that all the above questions should be answered as fully as possible.

This paper to be accompanied by Certificates of one or more Eye-witnesses, who should add their Profession or Trade and Address, and state fully, *in their own handwriting*, the precise nature of the Salvor's or Salvors' exertions, showing the actual risk incurred. This application to be verified by the Commanding or other Superior Officer, in so far as it applies to the Army, Navy, Merchant Service, or Constabulary.

N.B.—Cases occurring within the United-Kingdom must be reported to the Secretary within *two months* after their date, otherwise they will not be recognised for either honorary or pecuniary Reward.

F. A. C. CLAUGHTON (MAJOR),

Secretary.

N.B.—Many interesting restorations from apparent death have been communicated to the Committee with no other narrative than "that the means recommended by the Society were employed." But in order to ascertain the real efficacy of the methods so adopted, a more minute history of the case would be very acceptable, especially with reference to the following dates, viz. :—

The time of actual submersion.

The appearance of the body.

Resuscitative process employed.

The first and progressive symptoms of returning animation.

And the time from commencement of the restorative plan to a return of animation.

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(28)

FINANCIAL DEPARTMENT.

Bombay Castle, 10th August 1877.

The following Resolution by the Government of India is published for general information :—

"No. 2067.

FINANCIAL DEPARTMENT.

EXPENDITURE.

(RULE)

Simla, the 28th July 1877.

Read—

A letter from the Director General of Telegraphs in India to the Secretary to Government in the Public Works Department, No. 481-E.T., dated 16th March

1877.—Submitting a bill for Rs. 13-12-0 for fees and cost of medicines paid to a private medical practitioner by signaller A. D'Souza on board the river steamer *Oudh* while he was proceeding on duty from Dhulia to Gowhatty in November 1876.

RESOLUTION.—The Governor General in Council regrets that this charge cannot be sanctioned, the Government not having undertaken to reimburse to a public servant, who is entitled to the gratuitous attendance of a Government medical officer or to medicines from a Government dispensary, fees which he may have occasion to pay to a medical practitioner not in the public service, or the cost of medicines which he may purchase privately."

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(29)

Attendance of Presidency and Civil Surgeons on all officers of Government drawing a salary of Rs. 250 per mensem and upwards.

No. 3495.

GENERAL DEPARTMENT.

Bombay Castle, 24th September 1884.

Resolution of the Government of India, Home Department, Medical, No. 12-334—51, dated 16th August 1884 :—

"Read—

Home Department Circular letter No. 3986-3996, dated 31st August 1869.
" " " No. 6—131-138, dated 20th March 1884.

Read also the following replies to the Circular letter of 20th March 1884 :—

From the Government of Bombay, No. 1834, dated 29th May 1884.
" " Bengal, No. 238 T.M., dated 16th April 1884.
" " North-Western Provinces and Oudh, No. 57-V.—21-6, dated 12th April 1884.
" " Punjab, No. 525, dated 15th July 1884.
" Chief Commissioner, Central Provinces, No. 1730-31, dated 9th April 1884.
" " British Burma, No. 499-27, dated 19th May 1884.
" " Coorg, No. 46-I.-8, dated 11th April 1884.
" " Assam, No. 2976, dated 16th May 1884.
" Resident at Hyderabad, No. 168 C., dated 26th May 1884.

RESOLUTION.

In Home Department Circular letter No. 3986-96, dated 31st August 1869, it was decided that Civil Surgeons should attend personally on all uncovenanted officers, being at the head-quarter station of the district, whose appointments are notified in the official Gazette by the Government of India or by any Local Government or Administration. As no general rules have been laid down regulating the gazetting of appointments, it is found that in one Province subordinate officers, in consequence of being gazetted, are entitled to attendance from the Civil Surgeon, while in another Province officers of the same class who are not gazetted are not so entitled. It appeared to the Government of India that a general ruling entitling all officers drawing a pay of Rs. 250 and over, whether gazetted or not, to the attendance of Civil Surgeons would be a better arrangement, and remove all cause for dissatisfaction in this respect, and the opinions of Local Governments and Administrations were invited on the subject.

2. From the replies read in the preamble, it appears that the rule proposed by the Government of India meets with very general approval. The Governor General in Council is accordingly pleased to decide that all officers of Government in the Bengal Presidency living at the head-quarter station of a district and drawing a salary (as defined in the Codes of the Financial Department) of Rs. 250 and over, whether gazetted or not, shall in future be entitled to gratuitous medical attendance at their own residences from Civil Surgeons. Gazetted officers drawing less than Rs. 250 a month will no longer be entitled to the gratuitous medical attendance of a Civil Surgeon. The only exceptions to the rule now laid down will be probationers appointed under the Statutory Civil Service Rules and Assistant Superintendents of Police, who, though drawing a salary of less than Rs. 250 a month, will still be entitled to the personal attendance of the Civil Surgeon.

ORDER.—Ordered, that a copy of this Resolution be forwarded to Local Governments and Administrations (except Madras and Bombay) for information and guidance;

that a copy be forwarded to the Government of Madras for information; and

that a copy be forwarded to the Government of Bombay for information, with the remark that the Government of India see no sufficient reason to make an exception in favour of Mamlatdars in Bombay when the corresponding officers—Tahsildars—in all other Provinces are not to be exceptions to the rule.

Ordered also, that a copy of this Resolution be forwarded to the Surgeon General with the Government of India for information and for the issue of further necessary orders, and to the several Departments of the Government of India for information; and that the Resolution be published in the *Gazette of India* for general information."

Memorandum from the Surgeon General with the Government of Bombay, No. 5444, dated 11th September 1884.

RESOLUTION.—The ruling laid down by the Government of India for Bengal should be adopted in this Presidency and republished in the *Bombay Government Gazette* in supersession of the orders published under Government Resolution No. 2217, dated 20th September 1869. It should be held to apply to Presidency Surgeons.

2. Copies of the Resolution should be forwarded to the Surgeon General with the Government of Bombay, to all Departments of the Secretariat, and to all Heads of Offices for information.

Attendance of Government medical officers on clerks of all Government offices.

No. 4243.

GENERAL DEPARTMENT.

Bombay Castle, 19th November 1884.

Resolution of the Government of India, Home Department (Medical), No. 14-447—64, dated 23rd October 1884:—

"Read the under-mentioned papers:—

Home Department Circular letter to Local Governments and others, Nos. 3986-3996, dated the 31st August 1869.

Home Department letter to the Government of the Punjab, No. 639, dated 12th October 1875.

Home Department letter to the Surgeon General, Indian Medical Department, No. 425, dated 27th July 1876.

Home Department Resolution Nos. 13-632—639, dated 18th December 1879.

Military Department letter to the Surgeon General, Her Majesty's Forces, No. 689-S.C., dated 23rd August 1883.

Military Department letter to the Inspector General of Military Works, No. 88-C., dated 25th January 1884.

Letter from the Director General of Ordnance to the Military Department, No. 159-E., dated 14th April 1884.

RESOLUTION.

The papers read above relate to medical attendance on, and supply of medicines to, Government clerks and their families. Doubts having arisen as to the application of these orders in the case of certain offices, the Governor General in Council is pleased to prescribe the following rules in supersession of all previous orders on the subject, with effect from the 1st January 1885:—

(1) All clerks of all Government offices are entitled to gratuitous medical attendance and medicines for themselves.

(2) All clerks of Army Head-quarters offices are entitled to similar privileges for themselves and their families.

(3) Subject to the above rules, clerks drawing Rs. 250 per mensem and upwards are entitled to the services of the Civil Surgeon, and those drawing less than that amount to the services of the Assistant Surgeon or medical subordinate provided for the purpose, it being understood that, in conformity with paragraph 4 of circular letter dated 31st August 1869, above quoted, the attendance of the Civil Surgeon should be given in all cases of emergency or of great danger or difficulty, when applied for by the subordinate medical attendant.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Local Governments and Administrations noted in the margin for information and guidance. In places where there is no druggist's shop, medicines may continue to be supplied from the Government stores;

Bengal.	British Burma.
North-Western Provinces and Oudh.	Assam.
Punjab.	Coorg.
Central Provinces.	Hyderabad.

that a copy be forwarded to the Governments of Madras and Bombay for information;

and that a copy be forwarded to all the other Departments of the Government of India and to the Surgeon General with the Government of India for information.

Also that the Resolution be published in the Supplement to the *Gazette of India* for general information."

RESOLUTION.—The ruling laid down by the Government of India should be adopted in this Presidency and republished in the *Bombay Government Gazette* in continuation of the orders published under Government Resolution No. 3494, dated 24th September 1884. It should be held to apply to Presidency Surgeons.

2. Copies of the Resolution should be forwarded to the Surgeon General with the Government of Bombay, to all Departments of the Secretariat, and to all Heads of Offices for information.

Attendance of Civil Surgeons on the Executive officers and Engineers of Her Majesty's Marine in the junior grades.

No. 4508.

GENERAL DEPARTMENT.

Bombay Castle, 8th December 1884.

Resolution of the Government of India, Home Department (Medical), No. 18—514-26, dated 26th November 1884:—

"Read—

Home Department Resolution No. 12—334-51, dated the 16th August 1884.

RESOLUTION.

The Resolution read directs that, with certain exceptions noted in paragraph 2 thereof, all officers of Government, whether gazetted or not, drawing less than Rs. 250 a month, will no longer be entitled to the gratuitous medical attendance at their own residences of a Civil Surgeon. The Governor General in Council is further pleased to extend the exception to the case of the Executive officers and Engineers of Her Majesty's Marine in the junior grades, who, though drawing a salary of less than Rs. 250 a month, will be entitled to the personal attendance of the Civil Surgeon when they require to be treated on shore.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information;

that a copy be forwarded to the Military (Marine) Department for information; and

that a copy be forwarded to the Surgeon General with the Government of India for information.

Also, that the Resolution be published in the *Gazette of India* for general information."

RESOLUTION.—The Resolution of the Government of India should be published in the *Bombay Government Gazette* in continuation of the orders published under Government Resolution No. 4243, dated 19th November 1884. It should be held to apply to Presidency Surgeons.

2. Copies of the Resolution should be forwarded to the Surgeon General with the Government of Bombay and to the Marine Department of the Secretariat.

Gratuitous medical attendance on, and supply of medicines to, Government servants.

No. 78.

GENERAL DEPARTMENT.

Bombay Castle, 10th January 1885.

Letter from the Surgeon General with the Government of Bombay, No. 7457, dated 17th December 1884:—

"With reference to Government Resolution No. 4243, dated 19th November 1884, General Department, I have the honour to request the orders of Government on the following points.

"2. The ruling of the Government of India is held to apply to Presidency Surgeons; they will therefore attend personally on those Government servants drawing Rs. 250 per mensem and upwards, but for those drawing less than that amount there is no provision made, as the Presidency Surgeons have no subordinates under them, either Assistant Surgeons or Hospital Assistants, available for this duty. It is believed that by far the greater majority of the clerks in Government offices employ private practitioners when ill, only going to the Presidency Surgeon when leave on medical certificate is required, but they are entitled to medical attendance, and I would suggest that they should be required either to call upon the Presidency Surgeon at his own house, or to attend one or other of the various hospitals, the European General Hospital in the case of Europeans, and the Jamshedji Jijibhai or Gokuldas Tejpal Hospital in the case of Natives, and that the extract from the Bengal Medical Regulations quoted in the margin be made applicable in this Presidency when hospital treatment is required by the persons concerned.

Section IV.

Para. 109. 'Europeans in Military employ or soldiers in detached employ are always to be taken to and received in the nearest hospital for British troops.'

"3. The Mint Master has enquired whether the mechanics of the Mint are entitled to attendance under the Resolution. Though clerks only are mentioned in this Resolution, I presume that Government Resolution No. 3495, dated 24th September 1884, meets the case of the Mint mechanics and that therefore they are entitled to free attendance.

"4. The question has been raised as to where medicines are to be obtained. I would ask whether it is to be inferred from the order of the Government of India, which states that 'in places where there is no druggist's shop, medicines may continue to be supplied from Government stores,' that in places where there are such shops medicines should not be supplied from Government stores. If so, the order would appear to clash with the Resolution of the Government of India, which states that certain clerks are entitled to gratuitous medical attendance and medicines for themselves, and certain others to the like privileges for themselves and their families. Under the former orders of Government, Government Resolution No. 3792, dated 3rd November 1873, and Government Resolution No. 396, dated 9th February 1874, in places where there are druggists' shops all public servants whose pay is above Rs. 50 per mensem are required to purchase their medicines. If, however, it is the intention of Government that the persons mentioned in the Resolution under reference are to obtain their medicines free, I would suggest that they should obtain them from the nearest Government hospital.

"5. The above questions refer chiefly to the Presidency; Civil Surgeons in the mofussil have subordinates under them available for the duty of attending upon officers drawing less than Rs. 250 per mensem, and in only a few stations does the question of payment for medicines apply."

RESOLUTION.—The suggestion in paragraph 2 of the Surgeon General's letter that clerks in Government offices in Bombay drawing less than Rs. 250 per mensem, who wish to avail themselves of the advice of the Presidency Surgeon, should call upon the Presidency Surgeon at his own house or attend one of the hospitals, is approved. The suggestion that Europeans in Military employ and soldiers in detached employ requiring hospital treatment should always be taken to and received in the nearest hospital for British troops should be referred to the Military Department for consideration.

2. The concession in Government Resolution No. 4243, dated 19th November 1884, may be extended to the mechanics in the Bombay Mint.

3. The question raised in paragraph 4 of the Surgeon General's letter should be referred for the orders of the Government of India.

Medicines: Supply of—from Government Stores to families of Government clerks where there are no druggists' shops.

No. 996.

GENERAL DEPARTMENT.

Bombay Castle, 18th March 1885.

Letter from the Under Secretary to the Government of India, Home Department (Medical), No. 56, dated 27th February 1885:—

"In reply to your letter No. 79, dated the 10th ultimo, I am directed to say that, by the orders contained in Home Department Resolution No. 14—447-464, dated the 25th October 1884, it is intended that, in places where there are no druggists' shops medicines should as heretofore be supplied from Government stores to the families of Government clerks."

RESOLUTION.—To be communicated to the several Departments of the Secretariat and all Heads of Offices with reference to paragraph 3 of Government Resolution No. 78, dated 10th January 1885.

B 1423—13

Definition of the term "family" as used in the orders of the Government of India regarding medical attendance on, and the supply of medicines to, Government clerks and their families.

No. 3593.

GENERAL DEPARTMENT.

Bombay Castle, 19th September 1885.

Memorandum from the Government of India, Home Department (Medical), No. 8—430, dated 31st August 1885—Forwarding for information copy of the following memorandum No. 428 of the same date, addressed to the Military Department of the Government of India;—

"The undersigned is directed to acknowledge the receipt of the endorsement from the Military Department, No. 839-C., dated the 14th instant, forwarding a letter from the Surgeon General, Her Majesty's Forces, Bengal, on the subject of the meaning to be attached to the term 'family' as used in Home Department Resolution No. 14—447-464, dated 25th October 1884, respecting medical attendance on, and the supply of medicines to, Government clerks and their families.

"2. In reply, the undersigned is to say that for the purposes of the above orders the definition of the term 'family' given in the Simla Allowance Code should be adopted. According to this definition, the word will include the officer's wife; his legitimate children residing with, and wholly dependent on, him; and also his parents, sisters, and minor brothers if wholly dependent on and residing with him."

RESOLUTION.—Copies of the memorandum should be forwarded to the Surgeon General with the Government of Bombay, to all Departments of the Secretariat and to all Heads of Offices for information and guidance with reference to Government Resolution No. 4243, dated 19th November 1884.

Medical Attendance: Appointment of Medical officers to attend on Government servants, &c., in case of the temporary inability of Presidency Surgeons to do so on account of illness.

No. 3535.

GENERAL DEPARTMENT.

Bombay Castle, 5th October 1886.

Letter from the Surgeon General with the Government of Bombay, No. 4537, dated 23rd July 1886—Stating that a case has recently occurred in which the Presidency Surgeon, Second District, was unable, owing to illness, to attend the child of a Conductor employed in the Arsenal, but prescribed the medicine and went the next morning; proposing with a view to remedy this inconvenience to nominate three other medical officers to attend patients in case the Presidency Surgeons of the three districts are unable owing to indisposition or otherwise to perform that duty; recommending that the junior officer in Civil employ residing at Malabar Hill or Breach Candy, the Medical Officer with the Marine Battalion, and the Apothecary at the House of Correction may be nominated in the place of the Presidency Surgeons of the First, Second and Third Districts, respectively; observing that the Surgeon General, Her Majesty's Forces, who has no objection to the employment of the Medical Officer with the Marine Battalion, has raised the question of remuneration; and suggesting that a fee of Rs. 7 for a commissioned officer and Rs. 5 for the Apothecary for paying such visits may be sanctioned, but that if Government are unwilling to sanction the proposal the officers may be permitted to prefer bills for carriage hire.

Memorandum from the Military Department of the Secretariat, No. 1288-A.G., dated 18th August 1886—Re-transferring the papers with the following report from the Adjutant General:—

"There is no objection to the Medical Officer in charge 21st Bombay Infantry attending the sick, should the Presidency Surgeon, Second District, be unable to do so on account of sickness, provided the officer receives some remuneration, or at least the carriage hire, as suggested by the Surgeon General with the Government of Bombay.

"2. As there are a number of departmental warrant officers residing in the Second District, it is suggested that the Apothecary in charge of the Dockyard Dispensary who is under the orders of the Presidency Surgeon, Second District, be told off for the duty, and only in serious cases or in cases of officers should the Medical officer in charge 21st Bombay Infantry be called."

Letter from the Surgeon General with the Government of Bombay, No. 5574, dated 20th September 1886—Reporting, with reference to Government memorandum No. 3173, dated 6th idem, that in his previous letter No. 4537 he has already stated that as regards the Third District usually the Presidency Surgeon is the only medical officer residing therein, and that the Apothecary at the House of Correction might be called on; and adding that, if necessary, the Apothecary might be empowered to send to the Presidency Surgeon, Second District.

RESOLUTION.—His Excellency the Governor in Council is pleased to direct that the following officers shall be charged with the duty of attending on Government servants, &c., entitled to the free attendance of the Presidency Surgeons, in case of the latters' temporary inability to do so on account of illness:—

In the First District—the junior Medical officer in Civil employ residing in that district.

In the Second District—the Apothecary in charge of the Dockyard Dispensary in ordinary cases; and the Medical officer in charge 21st Bombay Infantry in serious cases or in cases where officers have to be treated.

In the Third District—the Apothecary at the House of Correction in ordinary cases; and the Presidency Surgeon, Second District, in serious cases.

2. These officers should, when so called, be allowed carriage hire as proposed by the Surgeon General.

Hospital Stoppages: Exemption of Government servants from the payment of—.

No. 1263.

GENERAL DEPARTMENT.

Bombay Castle, 9th April 1891.

Letter from the Surgeon General with the Government of Bombay, No. 6685, dated 27th September 1890:—

"I have the honour to bring to the notice of Government that it is believed the employés of the Telegraph Department are, under the orders of the Government of India, entitled to medicines free of charge from Government and Government aided medical institutions, so that they are exempted from the dispensary rules. In view of a revised set of rules being drawn up I would request to be favoured by Government orders as to whether an exemption-rule should be included in the revised rules showing these employés are exempted under the orders of the Government of India from payment for medicines. It will look invidious to exempt these servants of Government while others are obliged to pay, but the exemption, if continued, should be stated in the rules so that medical officers may not make the mistake of charging for medicines any officer who is entitled to them free by the orders of the Government of India. Either an exemption rule should be entered in the revised rules, or this Government should request the Government of India to order that in respect to paying for medicines the officers of the Telegraph Department should come under the orders in force in the Provinces in which they may be serving."

Letter from the Surgeon General with the Government of Bombay, No. 7735, dated 4th November 1890:—

"With reference to Government memorandum No. 4266, dated 24th October 1890, I have the honour to state the Telegraph Department claim free supply of medicines for their employés under Government of India, Home Department, No. 14—447-66, dated 25th October 1884, quoted in the preamble of Government Resolution No. 4243, dated

19th November 1881, General Department, and Home Department letters No. 57 of 27th February 1885 to the Surgeon General with the Government of India, and No. 3850 of 23rd August 1869, and the rules published in the Telegraph Code, Chapter D, Rules D-41, D-42, D-43, D-47 and D-49.

"2. I beg to add that the Superintendent, Central Telegraph Office, Bombay, has been requested to furnish me with copies of the Home Department letters above referred to, but states he is unable to do so, the numbers and dates of these letters merely being quoted in the margin of the Departmental Code.

"3. So far as I know there are no special reasons, apart from the Government of India's orders, which should entitle Telegraph employés to free medicines. If other Government servants have to pay, it seems reasonable they should also do so, but it may be urged, first, it is a poorly paid department and its employés often serve in unhealthy and out-of-the-way places, but these can hardly be considered special to employés of the Telegraph Department, as it applies to others, such as employés of the Forest and Survey Departments."

Letter from the Government of India, Home Department, Medical, No. 7, dated 8th January 1891.

Memorandum from the Public Works Department of the Secretariat, No. 200-E., dated 9th March 1891—Re-transferring the papers with the following letter No. 11399, dated 4th idem, from the Superintendent, Government Telegraphs, Bombay Division :—

"With reference to your memorandum No. 115-E., dated the 6th of February 1891, I have the honour to forward herewith copy of Home Department Resolution No. 14—447-64, dated 23rd October 1884, under which the supply of medicines free is conceded to the employés of the Telegraph Department throughout India. I consider the withdrawal of the concession would be prejudicial to the health of the men concerned and not desirable on all grounds.

"2. The annexures to your memorandum under reference are herewith returned."

RESOLUTION.—In modification of the orders passed in Government Resolution No. 2870, dated 21st September 1887, His Excellency the Governor in Council is pleased to direct that all Government servants who are entitled under the orders of the Government of India contained in their Resolution No. 14—447-64,* dated 23rd October 1884, to gratuitous medical attendance and medicines for themselves and their families should be exempted from the payment of hospital stoppage fees at hospitals and dispensaries where a Civil Surgeon, an Assistant Surgeon or a Hospital Assistant is stationed by Government.

* Government Resolution, General Department, No. 4243, dated 19th November 1884.

2. The Surgeon General with the Government of Bombay should be requested to revise Rule 27 of the Dispensary Rules accordingly.

Medical Attendance: Question of the right of a gazetted officer of Government, when on foreign service, to — at the hands of a Government Medical Officer.

No. 6283.

GENERAL DEPARTMENT.

Bombay Castle, 3rd December 1900.

Letter from the Government of India, Home Department (Medical), No. 2127, dated the 15th November 1900 :—

"I am directed to forward, for the information and guidance of the Governor in Council, a copy of a letter to the Government of Madras, No. 2116, dated 15th November 1900, on the question of the right of a gazetted officer of Government, when on foreign service, to medical attendance at the hands of a Government Medical Officer."

Letter from the Government of India, Home Department (Medical), to the Government of Madras, No. 2116, dated the 15th November 1900 :—

"I am directed to reply to your letter No. 839, dated the 24th August 1900, requesting a ruling on the question whether a gazetted officer of Government, who

is on foreign service under Part VII of the Civil Service Regulations, retains the privilege of free medical attendance from the Civil Surgeon of the district in which he is employed. The Government of Madras are uncertain of the application of Articles 805 and 806 (v), Civil Service Regulations, to cases of the kind.

"2. I am to state, for the information of the Governor in Council, that Article 805 of the Civil Service Regulations is to be read merely as a general explanation of the reasons which led Government to lay down the rules in the chapter which it heads. Neither this Article nor Article 806 (v) can be regarded as authorising the continuance to an officer in foreign service of any privileges enjoyed in the service of Government other than those specified in the rules contained in the chapter. It appears to the Government of India, however, that it would be reasonable to rule that, if an officer in foreign service has a medical attendant provided by the Railway or other body under whom he is employed, he has no claim to the services of a Government Medical Officer except when the former desires to call in the latter in consultation; but that, if no medical officer is provided by his employer, he is entitled to the services of the Civil Surgeon of the district in or near which he is employed. The Governor General in Council has accordingly decided that this rule should, if the Government of Madras see no objection, be observed in future."

RESOLUTION.—Copies of the letter from the Government of India and accompaniment should be forwarded to the Surgeon General with the Government of Bombay, the Accountant General, and all Departments of the Secretariat for information.

Medical Officers: Ruling of the Government of India that Government Medical Officers should supply information as regards the nature and causes of disease from which their patients, if Government servants, are suffering whenever the latter's official superiors ask them to do so in the interest of Government.

No. 6592.

GENERAL DEPARTMENT.

Bombay Castle, 20th December 1900.

Letter from the Commissioner of Police, No. 6279—C., dated the 4th June 1900:—

"I have the honour to forward herewith copies of the correspondence* noted in the margin which has taken place between the Physician in charge St. George's Hospital and myself regarding Inspector —— who was admitted into the said hospital on the 23rd April last and discharged on the 15th ultimo, and to request that Government may be pleased to issue early orders in the matter.

Police Commissioner's letter No. 5376—C, dated 16th May 1900, to the Physician in charge St. George's Hospital.
Reply No. 187, dated 19th May 1900.
Police Commissioner's letter No. 5611—C, dated 22nd May 1900.
Reply No. 195, dated 25th May 1900, from the Physician in charge St. George's Hospital.

"2. I beg to state that, as under the orders of Government contained in the Police General Order Book amended by Government Resolution No. 772 of 31st January 1900 European police officers can, in the absence of accommodation in the police hospital, be admitted into the St. George's Hospital, it is necessary that in the case of their illness and inability to do duty for any time, I should be able to obtain from the hospital a discharge certificate showing the nature of sickness. This is the rule followed in the case of all native officers and European officers reporting sick to the Police Surgeon and there is no reason why it should be different with European officers attending a hospital. Moreover, as Government subordinate it is necessary that the Head of the Department should know the cause of illness, as he has to determine the class of leave that the officer is to be granted.

"3. In this case the officer had shortly before his admission into hospital been punished for being drunk and unfit for duty. It is surmised that his subsequent admission into the hospital was due to the same cause, and in the absence of official information from the hospital it is impossible to say how the officer should be dealt with. It is very necessary, for obvious reasons, that the Head of a Department should know whether an officer's inability to perform

*Not printed.

his duty is due to his own fault or not when deciding upon the class of leave that he should be granted, as also if he is liable to punishment for his inability to do duty; otherwise officers can always escape the consequences of their misconduct by going into the St. George's Hospital and the cause of their absence from duty kept secret from the Head of the Department.

"4. It is difficult to understand what objection the St. George's Hospital authorities can have to communicating the cause of admission to hospital in the case of Government subordinates to Heads of their Departments, as the Government Resolution* quoted by the Physician in charge of the St. George's Hospital would not appear to meet a case of this kind, especially where an officer's illness may be the result of intemperate habits requiring official notice from the Head of the Department, as may possibly have been the case in this instance.

"5. I may add that Inspector —— is now again in the European General Hospital, having gone on the sick list since the afternoon of the first instant."

Memorandum from the Judicial Department of the Secretariat, No. 4488, dated the 28th June 1900—Transferring the above papers.

Government memorandum to the Surgeon General with the Government of Bombay, No. 3544, dated the 6th July 1900.

Letter from the Surgeon General with the Government of Bombay, No. 8231, dated the 14th August 1900:—

"With reference to your endorsement No. 3544, dated 6th July, I have the honour to state that I entirely agree with the remarks made by the Commissioner of Police, Bombay, in his letter No. 6279—C, dated 4th June 1900. Government Resolution, General Department, No. 527, dated 18th February 1888, does not apply to the case of Government servants regarding the particulars of whose illness and their causes superior officers have, as it appears to me, on behalf of Government, a full right to demand information in the case of officials serving under them from medical officers acting in their official capacities, when this is required in the interests of Government. I regard this as one of the recognised conditions of service under Government, which, if not specifically laid down in covenants or orders, is clearly implied in the Civil Service Regulations and constantly practised as a rule of official procedure.

"2. To a public medical officer the interests of his employers must be paramount over those of the patients who consult him in his official capacity, though at the same time their secrets should not be unnecessarily disclosed to the public. I maintain, therefore, that the position taken up by Lieutenant-Colonel Boyd accords neither with common sense nor with that everyday practice with which he must be perfectly familiar; and that it was clearly his duty to have furnished the required information concerning Police Inspector ——'s illness and its causes.

"3. I would further beg to observe that the records of St. George's Hospital and of other Government medical institutions are the property of Government; and I consider that on this ground alone their duty as Government officials renders it obligatory upon the medical officers of such institutions to give to those Government officials who may be entitled to ask for it any necessary or reasonable information which they may require about Government servants under their treatment."

Memorandum from the Judicial Department of the Secretariat, No. 5661, dated the 20th August 1900.

Letter to the Government of India, Home Department (Medical), No. 5217, dated the 4th October 1900:—

"A case has occurred in which the medical officer in charge of St. George's Hospital in Bombay refused to comply with the request of the Commissioner of Police, Bombay, for information regarding the nature of the disease from which an Inspector of Police was suffering in the hospital.

"2. The Surgeon General having been consulted has expressed the opinion that it was the duty of the medical officer to furnish the information, that superior officers have a right to demand information regarding the particulars of the illness of officials serving under them from medical officers acting in their official capacities when this is required in the interests of Government, and that to a public medical officer the interests of his employers must be paramount over those of the patients who consult him in his official capacity.

"3. The Governor in Council agrees with the views of the Surgeon General. In the opinion of this Government the rule of professional etiquette and secrecy cannot be applied to the case in question. If a Government servant chooses at his own expense to consult a

* Government Resolution No. 527, dated the 18th February 1888.

private medical practitioner, the relations between them only concern themselves and the rule of confidence should hold good, a breach of it being an implied breach of contract. But a Government servant under treatment by a Government Surgeon is in a totally different position. Both have relations to Government which cannot be overridden by the relations between them.

"4. As however the question raised is one of general interest to the whole of India, I am directed, before orders are issued in the sense of the preceding paragraph, to enquire whether the principle enunciated above meets with the approval of the Government of India."

Letter from the Government of India, Home Department (Medical), No. 2181, dated the 29th November 1900 :—

"In reply to your letter No. 5217, dated the 4th October 1900, I am directed to state that the Government of India agree with the view of the Bombay Government therein expressed that the rule of professional etiquette and secrecy which ordinarily obtains between a patient and his medical adviser cannot be applied in the case of patients who, being Government servants, consult Government medical officers in their official capacity. The Governor General in Council concurs with the Government of Bombay in thinking that in the latter case, when the particulars of the patient's illness are required in the interests of Government by his official superiors, the Government medical officer who dealt with his case should be bound to supply the information."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to the Surgeon General with the Government of Bombay for information and guidance.

2. Copies should also be forwarded for information to the Judicial Department and all other Departments of the Secretariat.

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Medical certificates.

No. 130.

GENERAL DEPARTMENT.

Bombay Castle, 16th January 1884.

Memorandum from the Officiating Under Secretary to the Government of India, Home Department (Medical), No. 8—410, dated 13th November 1883—Forwarding copy of the following letter No. 408 of the same date addressed to the Secretary to the Government of the North-Western Provinces and Oudh :—

"I am directed to acknowledge the receipt of your letter No. 802, dated the 27th ultimo, forwarding a memorial from Babus Brojendra Nath Banerji, L. M. S., and Abinas Chandar Banerji, L. M. S., private medical practitioners at Allahabad, praying that medical certificates granted by them to Government servants may be accepted and recognised as valid certificates.

"2. In reply, I am to say that the Governor General in Council concurs in the view taken by His Honour the Lieutenant-Governor that the request of the memorialists should not be granted. In the opinion of His Excellency in Council such certificates should ordinarily be accepted only from Government medical officers who are under Government control and supervision. The memorialists should be informed accordingly."

Letter from the Government of Bombay to the Government of India, No. 4635, dated 15th December 1883 :—

"With reference to Mr. Officiating Under Secretary Forbes' memorandum No. 8—410, dated 13th ultimo, communicating the orders of the Government of India to the effect that medical certificates should ordinarily be accepted only from Government medical officers who are under Government control and supervision, I am directed to inquire whether these orders are intended to apply to all medical certificates or only to those which under the provisions of the Civil Leave and Pension Codes or other special rules are required to be granted by the Civil Surgeon of a district or a commissioned medical officer.

"2. If a medical certificate from a Government medical officer is insisted on in the case of every application from a Government servant for sick leave or casual leave on account of illness, great inconvenience will ensue and the orders now communicated will have the effect of indirectly compelling Government servants in case of need to seek the advice of Government medical officers only.

"3. It has been the practice in this Presidency for Heads of Offices, whenever any of their subordinates absent themselves from duty for more than two days on account of illness, to insist upon the production of a medical certificate, which is generally furnished from the subordinate's medical attendant. If therefore the orders of the Government of India are held to be of general applicability, they will not only entail hardship on the subordinates but also throw considerable extra work upon Government medical officers, as applications for such certificates will be numerous. Moreover it will be apparent that in many cases up country no Government medical officer can be found within many miles."

Letter from the Secretary to the Government of India, Home Department (Medical), No. 1, dated 3rd January 1884 :—

"I am directed to acknowledge the receipt of your letter No. 4635, dated the 15th December 1883, enquiring whether the orders contained in Home Department No. 8—410, dated the 13th November 1883, expressing the opinion of the Government of India that medical certificates should ordinarily be accepted only from Government medical officers, are intended to apply to all medical certificates or only to those which under the provisions of the Civil Leave Code or Pension Code or other special rules are required to be granted by the Civil Surgeon of a district or a Commissioned Medical Officer.

"2. In reply, I am to say that it is not necessary to insist on the course prescribed in the orders cited when certificates are required to justify mere casual leave of absence."

RESOLUTION.—Copies of the letters from the Government of India should be forwarded to all Departments of the Secretariat and to Heads of Offices under them for information and guidance.

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Memorials : Rules regarding the submission of — by Government servants.

No. 3452.

GENERAL DEPARTMENT.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 6th November 1876 :—

"Extract from the Proceedings of the Government of India in the Home Department (Public), under date Simla, the 19th October 1876, No. 1649 :—

RESOLUTION.

Certain memorials have recently been presented to the Governor General in Council or to the Secretary of State by various bodies of officers in Civil employ, complaining of grievances or desiring boons which affect generally the classes of officers from which these memorials emanated. In some instances the memorials were signed by individuals who could not possibly have been personally affected in the matter which forms the subject of the memorial. Such circumstances give to the proceedings resulting in such memorials an appearance of organized combination, which is impossible, consistently with the maintenance of official discipline and subordination, to allow.

2. His Excellency in Council is accordingly pleased to forbid any combination for the purpose of memorialising any authority to which the memorialists may be subordinate, and to extend to all officers in Civil employ, in whatsoever Department, the following rules in regard to the presentation of memorials:—

I.—Every officer wishing to address a memorial to Government shall do so separately, and not in concert with others.

II.—No officer in the employment of Government may submit any memorial in respect to any matter connected with the official position which he occupies in which he is not personally interested, except as the agent of some person or persons unable to act in their own behalf.

III.—No officer in the employment of Government shall submit a printed memorial.

IV.—No memorial shall be submitted in a form set for general adoption, but shall be couched in the memorialist's own words and in temperate and respectful language.

V.—Any memorial contravening these rules will not be taken into consideration by the authority to which it is submitted, and the officer or officers submitting such memorials will incur the serious displeasure of Government.

No. 33—1651.

ORDER.—Ordered, that this Resolution be circulated to all Local Governments and Administrations, to the several Departments of the Government of India, and to the High Court (by separate letter), the Sanitary Commissioner with the Government of India, the Superintendent of Port Blair and the Nicobars, and the Director General of the Archæological Survey of India, for information and guidance."

RESOLUTION.—Copy to be forwarded to all Departments of the Secretariat, to the Revenue Commissioners, Northern and Southern Divisions, and the Commissioner in Sind.

No. 2883.

GENERAL DEPARTMENT.

Extract from the Proceedings of the Government of Bombay in the General Department dated 14th October 1879:—

"Read the following extract from the Proceedings of the Government of India in the Home, Revenue and Agricultural Department (Public), No. 46—1772-98, under date Simla, the 26th September 1879:—

Read—

Home Department Resolution No. 33—1649, dated the 19th October 1876, prescribing rules in regard to the presentation of memorials by officers in the Civil employ of Government.

Despatch from the Secretary of State, No. 75 (Public), dated the 31st July 1879, on the subject of the orders in the above-quoted Resolution, prohibiting the submission of joint memorials.

RESOLUTION.

Rules I and II of the Rules promulgated with the Resolution of the 19th October 1876 are as follows:—

I.—Every officer wishing to address a memorial to Government shall do so separately and not in concert with others.

II.—No officer in the employment of Government may submit any memorial in respect to any matter connected with the official position which he occupies in which he is not personally interested, except as the agent of some person or persons unable to act in their own behalf.

2. Her Majesty's Secretary of State for India having suggested that these two rules might be made more clear by the addition of words explaining that Rule I is not meant to prohibit the private interchange of individual opinions, and that the personal interest referred to in Rule II may be indirect, the Governor General in Council is pleased to direct the substitution of the following rules:—

Rule I.—Every officer wishing to address a memorial to Government shall do so separately and not in concert with others, but this prohibition against the submission of joint memorials is not intended to apply to or affect the private interchange of individual opinions.

Rule II.—No officer in the employment of Government may submit any memorial in respect to any matter connected with the official position which he occupies in which he is not personally interested except as the agent of some person or persons unable to act in their own behalf. The personal interest referred to in this rule may be indirect.

3. His Excellency in Council desires further to explain that the general prohibition against the submission of joint memorials does not affect the case of any correspondence which the Managers of Service Funds as such may have to conduct with Government.

ORDER.— Ordered, that this Resolution be circulated for information and guidance to all Local Governments and Administrations, to the several Departments of the Government of India, and to the High Court, the Superintendent of Port Blair and the Nicobars, and to the following officers:—

The Sanitary Commissioner with the Government of India,
The Director General of Archæological Survey of India,
The Surveyor General of India,
The Superintendent, Geological Survey,
The Meteorological Reporter to the Government of India,
The Trustees of the Indian Museum,
The Secretary to the Board of Examiners,
The Registrar of the Calcutta University,
The Domestic Chaplain to the Lord Bishop, Calcutta."

RESOLUTION.—Copy of this memorandum, with the Resolution, to be furnished to all Departments of the Secretariat, to the Commissioner in Sind, the Commissioners of Divisions, and the Secretary, Civil Fund, for information and guidance. A copy may also be published in the *Government Gazette* for general information.

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No. 4782.

JUDICIAL DEPARTMENT.

Bombay Castle, 9th September 1873.

Read the following:—

"Extract from the Proceedings of the Government of Madras in the Public Department, dated 8th April 1873:—

Read:—

The following petition from the Reverend A. U. Timpany, Missionary at Ramapatam, Nellore District, to the Right Honourable the Governor in Council, Fort St. George, dated 1st March 1873:

'Your petitioner humbly showeth that in accordance with a recent order of Government, he instructed the Christians in his charge not to acknowledge the old caste in any public transaction.

'2. That some Christians who became such nine months ago, and were well known to be Christians in their village and surrounding country, were summoned to the Munsif's Court of Ongole a short time ago under the old caste name "Madga." They refused to take the summonses, or to have them put upon the house-walls, at the same time telling the peon that if they were served *minus* the term "Madga" or under the

term "Christian" they could come, but could not and would not come to Court as Madgas when they were not such, but Christians. The summonses were at the instance of a creditor in a case of debt.

'3. That this was known to the Court or in the Court to be the reason why they did not appear.

'4. That the case was nevertheless tried *ex parte*, and judgment given against them. That your petitioner humbly craveth to know whether the said Christians are in the right or wrong according to the meaning of the said Act of Government.

'5. The Christians are members of my Church by baptism.

'6. Begging an early reply, your petitioner as in duty bound will ever pray.'

No. 371.

Order thereon by the Government of Madras :—

'The above petition will be communicated to the Honourable the Judges of the High Court, with the request that, if they see no objection to so doing, they will instruct Judicial officers throughout the Presidency to refrain from adding any caste or out-caste designation to the names of known converts to Christianity, unless such designation be absolutely necessary for the identification of the party referred to.

'2. The Heads of all other Departments under Government are directed to issue similar instructions to all officers under their orders.

(Signed) W. HUDLESTON,
Chief Secretary to the Government of Madras.'

No. 372, dated Fort St. George, the 8th April 1873.

From—The Honourable W. HUDLESTON, Chief Secretary to the Government of Madras;

To—The Honourable W. HOLLOWAY, Acting Chief Justice of the High Court of Judicature, Madras.

I am directed to transmit the accompanying petition from the Reverend A. U. Timpany, a Missionary in the Nellore District, and to request that, if in your opinion and in that of the Judges of the High Court there be no objection to such a course, you will direct all Judicial officers throughout the Presidency to refrain from adding any caste or out-caste designation to the names of known converts to Christianity, unless such designation be absolutely necessary for the identification of the party referred to.

2. Instructions to the above effect have been issued to the Heads of all other Departments.

No. 2377, dated Simla, the 18th July 1873.

From—T. J. CHICHELL PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department;

To—The Chief Secretary to the Government of Madras.

With reference to Nos. 28 to 30 of the Proceedings of the Madras Government in the Public Department for April last, directing Judicial officers and Heads of all other Departments to refrain from adding any caste or out-caste designation to the names of known converts to Christianity (an order which the Governor-General in Council is quite disposed to approve), I am directed to enquire to what previous order or Act of the Local Government the Reverend A. U. Timpany alludes in his petition of the 1st March last.

No. 781, dated Ootacamand, the 26th July 1873.

From—The Honourable W. HUDLESTON, Chief Secretary to the Government of Madras;

To—The Secretary to the Government of India, Home Department.

Referring to your Officiating Under Secretary's letter dated the 18th July 1873, No. 2377, I am directed to transmit copy of the order of this Government in the Revenue Department, dated the 18th October 1872, No. 1442, which is the 'recent order' alluded to in the Reverend A. U. Timpany's petition dated the 1st March 1873.

Extract from the Proceedings of the Government of Madras in the Revenue Department, under date 18th October 1872.

Read—

The following Proceedings of the Board of Revenue, dated 9th October 1872, Miscellaneous No. 6755 :—

Read the following letter:

Dated Ruthiamputhur, the 25th September 1872.

From—The Reverend J. F. KEARNS, Tinnevelly;

To—The Board of Revenue.

I have the honour to send you herewith the caste Returns, and regret that I had not a little more time to prepare them, but, such as they are, I hope you may find them of some use. I would venture to mention a matter that has occupied my attention for some time, namely, the desirableness of *not requiring Native Christians* to mention their castes in Returns and in the Cutcheries. The practice has an appearance as though Government wished to keep up caste, and it is very offensive to the great body of Christians drawn from low castes, which Christians by superior education have raised themselves to places of distinction and great respectability; but as the caste to which they originally belonged is still regarded by their Hindu fellow-countrymen as low and contemptible, they, naturally enough, feel annoyed by being compelled to link themselves with the *caste*, especially as they have abandoned caste altogether. I have in my own district two first class F. A.'s of the Puller caste and one Pariah F.A. Besides, several with minor degrees and more young men of the same caste holding F.A. degrees are up and down the country, most of them in Government employ, and some consideration is due to them. *Christians* ought to be regarded as a caste just in the same way that Mahomedans who are converts to Islam are never asked for their caste.

Communicated to the Census Officer.

2. The Board have to thank Mr. Kearns for the care with which the Return has been prepared. They note his remarks on the subject of requiring Native Christians to name their caste.

No. 1442.

Order thereon by the Government of Madras.

The Government approve of Native Christians being always recorded as such irrespective of their former caste.

(Signed) W. HUDLESTON,

Secretary to the Government of Madras.

No. 2737, dated Simla, the 25th August 1873.

From—T. J. CHICHELL PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department, Public;

To—The Chief Secretary to the Government of Madras.

I am directed to acknowledge the receipt of your letter No. 781, dated the 26th ultimo, and in reply to say that the Government of India entirely approve the orders issued by the Government of Madras, desiring that Native Christians should be recorded as such in all judicial proceedings without any reference to their former caste.

No. 43—2738.

Copy of the correspondence forwarded to the Government of Bombay for information.

(Signed) T. J. CHICHELL PLOWDEN,
Offg. Under Secretary to the Government of India."

RESOLUTION.—Copies should be forwarded to the High Court, the Judicial Commissioner in Sind, the District Judges and Session Judges, the District Magistrates, the Senior Magistrate of Police, Bombay, and the Judges of Small Cause Courts.

2. Copies should also be forwarded to the Revenue, Military and Political Departments.

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(33)

Confidential.

Official Conduct.

CIRCULAR.

No. 3379.

REVENUE DEPARTMENT.

Bombay Castle, 5th September 1868.

To

The Commissioner in Sind,
The Revenue Commissioner, N. D.,
The Revenue Commissioner, S. D.,
The Commissioner of Customs, Salt and Opium,
The Survey and Settlement Commissioner,
All Collectors,
The Collector of Bombay and the Superintendent of Stamps and Stationery,
The Inspector-in-Chief, Cotton Department,
The Cotton Commissioner, Bombay,
The Conservator of Forests,
The Inspector General, Indian Medical Department,
The Mint Master, Bombay.

Sir,—I am directed to inform you that His Excellency the Governor in Council is pleased to lay down as a rule for future guidance that whenever any officer appointed by Government causes a public scandal by inebriety or otherwise, his case should be reported for the orders of Government, and not disposed of departmentally.

B 1423—16

NOTIFICATION.

GENERAL DEPARTMENT.

Bombay Castle, 13th August 1873.

A case having recently come under the notice of His Excellency the Governor, of a most improper and most disrespectful petition having been written by a Head Clerk in the office of a Superintendent of Police for certain discharged policemen to Government, the attention of all Heads of Departments is called to the following Government Notifications prohibiting officers of Government from assisting persons in making petitions :—

"GENERAL DEPARTMENT.

Instances having come to the knowledge of Government, in which persons in its service have transacted, and have been paid for transacting, the business of private individuals, the Honourable the Governor in Council, considering this practice to be highly objectionable, positively prohibits any public servant from undertaking such employment, whether with or without remuneration, unless the sanction of Government shall have been first obtained.

By order of the Honourable the Governor in Council,

(Signed) W. ESCOMBE,

Secretary to Government.

Bombay Castle, 30th September 1843."

Government Circular to all Officers, No. 2541, dated 20th June 1851, General Department.

"It has come to the knowledge of Government that, notwithstanding the prohibition contained in the Government Notification of the 30th September 1843, public servants are still in the habit of assisting parties to prepare petitions, memorials, and representations on official matters.

The Right Honourable the Governor in Council considers this practice to be particularly objectionable, and he, therefore, directs that it be strictly prohibited in your Department, both as regards European and Native officials.

(Signed) J. LUMSDEN,

Secretary to Government."

A plea of ignorance of these directions will not again be admitted as an excuse for their violation.

By order,

F. S. CHAPMAN,

Chief Secretary to Government.

Government Servants: Rules regarding the conduct of——.

No. 2098.

GENERAL DEPARTMENT.

Bombay Castle, 31st May 1889.

Memorandum from the Government of India, Home Department, Public, No. 11—831, dated 6th May 1889—Forwarding for information and guidance copy of the following Despatch from Her Majesty's Secretary of State for India, No. 16, Revenue, dated 7th February 1889:—

"I have considered the papers received with the Marquis of Dufferin's letter No. 12 (Revenue), dated 4th December last, concerning the acceptance and purchase of shares in the Hyderabad Mining Company by * * * * * . I approve the orders that have been passed, and I have no doubt that the necessary steps will be taken to enforce obedience to those orders within a reasonable time.

"2. I observe from the correspondence that * * * was under the impression that, when his services were lent to a Company, he was at liberty to make his own arrangements as to remuneration, and that during such outside service he was not bound by the rules prohibiting Government officers from speculating or investing in commercial undertakings in the districts where they may be employed. * * * * *. In these circumstances, I deem it desirable that the rules concerning the loan of Government officers to Native States, Municipalities and Railway or other Companies should be so modified as to make it quite clear—

(1) that the officers lent shall receive only the remuneration agreed upon or sanctioned by the Government of India in their behalf * *

* * * * * * *

(2) that the officers so lent remain, while on outside service, subject to the general and disciplinary rules which apply to officers on active Government service."

RESOLUTION.—Copies of the Despatch from the Secretary of State for India should be forwarded to all Departments of the Secretariat, and to all Heads of Offices under those Departments, for information and guidance.

Suits.

CIRCULAR.

No. 214.

GENERAL DEPARTMENT.

Bombay Castle, 22nd January 1874.

RESOLUTION.—Ordered that the following Circular be issued to all Departments of the Secretariat and all Heads of Offices:—

"The following extract from a letter from the Government of India, Home Department, is forwarded for the information and guidance of the several Departments of the Secretariat and the Heads of Offices:—

His Excellency in Council desires that it may be understood to be a standing order that all officers must obtain the authorization of the Government to which they are immediately subordinate, before having recourse to the Courts, for vindication of their public acts, or their character as public functionaries from defamatory attacks. This order does not affect an officer's right to defend his private dealings or behaviour in any way that may to him seem fit. But his official reputation is in the charge of the Government which he serves; and it is for the Government, which will bear the cost of all such proceedings taken under proper sanction, to decide in each case whether the proceedings are necessary and expedient."

No. 3103 OF 1876.

JUDICIAL DEPARTMENT.

Bombay Castle, 17th May 1876.

Read the following letter from the Government of India, Home Department (Judicial), No. 634, dated 3rd May 1876:—

"I am directed to acknowledge your letter No. 1939, dated 23rd March, recommending for sanction a proposal that, in supersession of the orders of the Government of India, dated 8th January 1874, which provide that Government shall bear the cost of all prosecutions instituted under proper sanction by public servants for the vindication of their public acts from defamatory attacks, it may be ruled that payment of the cost in such cases from public funds should be left to the discretion of the Local Government, and be partly dependent on the result of the prosecution.

"2. In reply, I am to say that after full consideration the Government of India would, on the whole, prefer to maintain the existing rule. In the case of the Subordinate Judge of Thana mentioned in your letter under reply, it appears that the Government have sanctioned the prosecution and the Government should therefore carry it through and defray all the prosecutor's expenses."

RESOLUTION.—Copy of this letter should be forwarded to the District Judge of Thána and all Departments of the Secretariat, in supersession of the orders contained in the latter part of Government Resolution in the Judicial Department No. 5783 of 4th October 1875.

Government Servants: Procedure to be followed by—for the vindication of their acts as public functionaries.

No. 4097.

GENERAL DEPARTMENT.

Bombay Castle, 11th October 1890.

Letter from the Government of India, Home Department (Public), No. 30-PUB.—1677, dated 15th September 1890:—

"In a General Order of the Government of India in the Foreign Department, dated the 15th March 1847, it was laid down that a Government officer is at liberty, if his public conduct in the transaction of his official duties is impugned, 'to seek redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character.' Though the matter has since that date been dealt with in a confidential paper, no subsequent orders regulating the course to be followed by Government officers for the vindication of their acts as public functionaries have been generally circulated, and the result is that the practice in this respect is not uniform in all Provinces. The Governor General in Council therefore deems it desirable to prescribe the procedure which should be generally observed in future. I am accordingly to convey the following instructions, with the request that their purport may, with the permission of His Excellency the Governor in Council, be conveyed to the officers serving in the different branches of the administration in the Bombay Presidency.

"2. It is a standing order that without obtaining the authorization of the Government to which he is immediately subordinate no officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character

as a public functionary, from defamatory attacks. In giving authority to institute proceedings the Local Government concerned will decide whether the circumstances of the case are such that the Government should bear the costs of the proceedings, civil or criminal, or leave the officer to institute the prosecution or suit at his own expense; and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favour, whether he should be recouped by Government the whole or any part of the costs of the action.

"3. I am to explain that the ruling above laid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices serving under them for information and guidance with reference to Government Circular No. 214, dated 22nd January 1874.

Government Officers: Connection of — with the Press.

No. 3115.

GENERAL DEPARTMENT.

Bombay Castle, 18th June 1900.

Letter from the Government of India, Home Department (Public), No. 1366, dated the 29th May 1900:—

"In Home Department Circular letter No. 30-Public—1676—1685, dated the 5th September 1890, it was laid down that, without obtaining the authorization of the Government to which he is immediately subordinate, no officer of Government is permitted to have recourse to the Courts for the vindication of his public acts, or of his character as a public functionary, from defamatory attacks, as it is for the Government to decide in each case whether the institution of proceedings is necessary or expedient. There is also the rule of the service, stated in paragraph 2 of Home Department Resolution of 3rd June 1885, that no officer of Government, not specially authorized in that behalf, is at liberty to communicate to the press, either directly or indirectly, information of which he may become possessed in the course of his official duty.

"2. Neither of these orders prohibits, except indirectly and by implication, the communication of officers with the public press in explanation or defence of their official conduct. The Governor General in Council, who holds that such action should not be permitted without official sanction, has accordingly decided to issue explicit instructions forbidding any officer of Government to communicate with the press in respect of his official conduct or acts without the prior consent in writing of the Local Government which he serves.

"3. I am accordingly to request that, with the permission of the Governor in Council, the officers serving in the Bombay Presidency may be informed of this rule of the service."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices serving under them for information and guidance, with reference to Government Resolutions No. 2426—42 Confl., dated the 29th June 1885, and No. 4097, dated the 11th October 1890.

B 1423—17

CIRCULAR.

No. 2071 OF 1870.

JUDICIAL DEPARTMENT.

Bombay Castle, 4th June 1870.

To

ALL HEADS OF OFFICES.

SIR,

I am directed to inform you that Government have ruled that whenever occasion may arise for the institution of prosecutions for libel on statements made in petitions to Government or other superior authorities, the permission of Government or of the said superior authorities should be obtained before legal proceedings are taken on such petitions.

CIRCULAR.

No. 3778 OF 1852.

FROM

A. MALET, ESQ.,

Chief Secretary to the Government of Bombay;

To

THE POLITICAL DEPARTMENT.

Dated Bombay Castle, 28th August 1852.

SIR,

The following extracts, paragraphs 26 and 27, of a Despatch from the Honourable Court bearing date the 23rd June 1852, No. 19, are forwarded for your information and for communication to all the subordinate officers in your Department, to whom it should be clearly intimated that Government will rigidly act up to the spirit of the instructions they contain :—

"Paragraph 26.—The mal-practices which it has been our painful duty to notice among the subordinate functionaries in the Government offices at your Presidency, have been continued through so many years, and are of a character so injurious, both to the public interests and to the reputation of the British Government, that you ought not to shrink from the exercise of any severity which may be necessary for their entire suppression. Prosecution in a Criminal Court should be had recourse to when legal evidence can be obtained; in any case, all persons either directly or indirectly concerned in the corrupt receipt of money, or in divulging the secrets of Government, or in the clandestine communication of official documents, or being even cogni-

sant of such practices without bringing them to the notice of their superiors, should be dismissed from office, and their re-employment in any Department of the public service strictly interdicted.

"27. In cases where it may not be possible to fix the breach of trust upon a particular individual, but where it may be ascertained that it has been committed in some branch of a Department, reluctant as we should be to inflict injury on any who may be innocent, we should feel it our duty to dispense with the services of the whole body, rather than fail to reach the treacherous and corrupt members of it."

I have the honour to be, &c.,

(Signed) A. MALET,
Chief Secretary.

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(39)

No. 6184 OF 1850.

Transfer from the Political to the Revenue Department.

CIRCULAR.

No. 6183 OF 1850.

POLITICAL DEPARTMENT.

FROM

H. C. GOLDSMID, ESQ.,
Secretary to Government,
Bombay;

To

LIEUT.-COLONEL J. OUTRAM, C.B.,
Resident at Baroda.

Dated 19th November 1850.

SIR,

I am desired by the Right Honourable the Governor in Council to transmit for your information and future guidance an extract (paragraphs 2 and 3) from my letter No. 6182 of this date to the Political Agent in the Southern Marátha Country, directing that in all future cases of entries of the names of Government servants in accounts as the recipients of bribes, enquiries be at once instituted as to the probability of other proof being forthcoming in support of such entries, before calling on the parties whose names are so entered for explanation.

I have the honour to be, &c.,

(Signed) H. C. GOLDSMID,
Secretary to Government.

Extract paragraphs 2 and 3 from Government letter to the Political Agent in the Southern Marátha Country, dated the 19th November, No. 6182 of 1850.

2. Under the circumstances stated by Mr. Manson, His Lordship in Council is of opinion that no enquiry can now be instituted with any beneficial result, but that hereafter in all cases of entries of the names of Government servants in accounts as receivers of bribes, enquiries should at once be made as to the probability of other proof being forthcoming.

3. To this end it will not be necessary that the persons whose names are entered should be called on for explanation until some probability of obtaining proof appears.

Ordered that a copy of the above Circular and of its enclosure be transferred to the several Departments of the Secretariat, for such steps as may be deemed necessary.

No. 8782 OF 1850.

P. D. REVENUE.

To

E. H. TOWNSEND, Esq.,
Revenue Commissioner, S. D.

SIR,

I have been directed by the Right Honourable the Governor in Council to transmit for your information the accompanying transcript of a Circular issued from the Political Department under date the 19th instant, No. 6183, and of its enclosure, and to inform you that the local officers under your control will be the best judges in each case as to whether the instructions contained in the 3rd paragraph of the letter to the address of the Political Agent in the Southern Marátha Country should be acted on.

Bombay Castle, 30th November 1850.

No. 8783 OF 1850.

The same to A. M. Shaw, Esq., Revenue Commissioner, N. D.

Bombay Castle, 30th November 1850.

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(40)

Postal Matters: Use of Government paper and service stamps for correspondence of a personal nature prohibited.

CIRCULAR.

No. 792 OF 1882.

FINANCIAL DEPARTMENT.

Bombay Castle, 3rd March 1882.

RESOLUTION OF GOVERNMENT.

The attention of all officers in the Civil Department should be called to Rule 299 of the Rules for official correspondence published at page 61 of the Indian Postal Guide, 1882, and they should be informed that the use of Govern-

ment paper and service stamps for communications of the kind specified in the latter part of the rule, the replies to which must be sent "Service Bearing," is strictly prohibited.

Service Bearing.
To
A. B.,
Calcutta.
C. D.,
Accountant General.

Petitions, applications for appointments, requests for transfer, enquiries about title to leave, &c.

299. Letters, parcels and packets by Government officers in their official capacity, which relate nevertheless to the private interests and concerns of the individuals addressed, may be endorsed according to the specimen form given on the margin, under the full signature and official designation of the person by whom they are sent. Letters, parcels and packets so addressed are regarded by the Post Office as private articles, but are charged, on delivery, with bearing postage at prepaid rates, and not at double rates, as in the case of ordinary articles. Under this head come replies sent to communications of the kind noted in the margin, as well as any other communications of a like kind which Government officers may make to individuals (whether private persons or Government officers) relating to the private interests of the addressees.

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(41)

CIRCULAR.

No. 61 of 1855.

To

THE SECRETARY TO GOVERNMENT,

Revenue Department, Bombay.

SIR,

Sufficient attention not being paid to the importance of transmitting all official correspondence with as much regard as practicable to the saving of weight by the post, I have the honour to request your attention to the following remarks:—

1st.—The habit of using an envelope for each letter sent from your office should be checked: all letters of the same date, to the same address, may generally be put into one cover.

2nd.—A set of envelopes of various sizes should be made up, according to the dimensions of papers despatched from your office, so that one of an unnecessary size need not be made use of.

3rd.—Envelopes may frequently be dispensed with, unless enclosures have to be forwarded with letters. Official letters, Roobackaries, Purwannahs, &c., which are written on one side only, or not more than half of the reverse, may ordinarily be folded and addressed exactly in the same manner as a private letter.

4th.—Periodical Returns, and all documents of a similar nature, may generally be put up in wrappers like covers to newspapers, open at both ends.

5th.—Great diminution in the weight and bulk of vernacular correspondence may be introduced by discarding the use of heavy paper, and writing in a closer and more condensed form than is customary.

I am, &c.,

(Signed) DUNCAN DAVIDSON,

Postmaster-General.

Bombay, Postmaster-General's Office,
19th July 1855.

B 1423—18

No. 24.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 5th January 1870.

Read the following papers:—

Letter from the Government of India, Financial Department, to the Officiating Accountant General, Madras, No. 2928, dated 17th December 1869:—

"In reply to your letter No. 3488, dated the 31st August 1869, in which you propose a plan for the abolition of packets for official documents, with a view to effect a saving of expense to the State, I am desired to inform you that your plan does not recommend itself to the Government of India as either economical or convenient, for the reasons stated by the Director-General of the Post Office in his letter No. 3397, dated the 17th November 1869, a copy of which is herewith sent for your perusal.

"2. The plan alluded to by Mr. Monteath of putting, as far as possible, into one envelope all letters despatched on the same day to the same address has been in use as well in his own office as in the offices of the Financial Department and of the Accountant General, Bengal, and you are recommended to try it.

"3. A copy of this letter will be forwarded to the several Departments, Local Governments and Administrations, &c., with a view to the general adoption of the above plan in all the public offices of the State."

Memorandum by G. H. M. Batten, Esq., Under Secretary to the Government of India:—

"ORDERED, that a copy of this letter be sent to the several Departments, Local Governments and Administrations, and to the officers named in the margin, for information and guidance."

Comptroller-General of Accounts; several Accountants-General and Deputy Accountants-General in independent charge; Mint-master, and Head Commissioner of Paper Currency; Director-General of the Post Office; the several Assay Masters, and the Commissioner of Inland Customs, North-Western Provinces.

RESOLUTION.—Copies to be communicated for the information and guidance of the several Departments of the Secretariat, and of all Heads of Offices in the Revenue, Financial and General Departments under this Presidency.

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(42)

Official Correspondence.

No. 139.

GENERAL DEPARTMENT.

Bombay Castle, 15th January 1874.

Read the following letter from the Secretary to the Government of India, Home Department (Public), to the Secretary to the Government of Bombay, No. 70—3944, dated 31st December 1873:—

"As the practice of using in official correspondence vernacular terms that are generally unintelligible beyond the province in which they are current is common and productive of much inconvenience and delay in the despatch of public business, I am desired to call attention to the subjoined orders of the late Honourable Court of Directors forbidding indiscriminate use of Indian words in English correspondence, and to request that the spirit of these instructions may still be observed as closely as possible.

"2. It must, however, be understood that this restriction is not meant to govern necessarily the style of correspondence carried on between a Local Government and the officers subordinate to it, but is applicable mainly to writings intended to go beyond one Local Government. When in such papers a correct English equivalent to a local vernacular designation cannot be given, the word can usually be best explained by reference to the class or business to which an office or employment belongs; for the chief difficulties are found to occur in returns of subordinate establishments."

Extract from a Despatch from the Honourable the Court of Directors, dated the 6th January 1815, circulated on the 17th October 1815.

"Paragraph 138. Adverting to the various terms and appellations borrowed from the Oriental languages which appear on your Revenue Consultations, and the meaning of

which it is sometimes difficult to discover, we direct that you instruct the Boards of Revenue and of Commissioners to desire the different Collectors subject to their respective authority, to avoid as much as possible the use of native designations in their correspondence; and in cases where it may be impracticable to dispense with them without frequent periphrasis, to affix a marginal explanation of the terms which, for the sake of convenience, may be employed in the text of their letters."

RESOLUTION.—To be circulated for the information of the several Departments of the Secretariat and to all Heads of Offices in the Civil Departments of the Presidency for information and guidance.

Official Correspondence.

No. 564.

GENERAL DEPARTMENT.

Bombay Castle, 16th February 1881.

Memorandum from the Government of India, Home, Revenue and Agricultural Departments (Revenue), No. 2—81-95, dated 31st January 1881—Forwarding, for information and guidance, in continuation of their letter No. 70—3944-3952 of 31st December 1873, the following extract (paragraph 3) from a Despatch No. 48 (Revenue), dated 23rd December 1880, from Her Majesty's Secretary of State for India to the Government of Madras :—

"I take this opportunity, however, of directing your attention to the inconvenience attending the use of vernacular terms in reports sent home to this office, and I desire that, whenever it is considered desirable to make use of them in such reports or in official correspondence, their English equivalents may also be given."

RESOLUTION.—To be communicated to all Departments of the Secretariat and all Heads of Offices under the several Departments of the Secretariat for information and guidance, in continuation of Government Resolution No. 139, dated 15th January 1874.

Official Correspondence: Orders of the Government of India regarding the use of vernacular terms in —.

No. 901.

GENERAL DEPARTMENT.

Bombay Castle, 5th March 1895.

Letter from the Government of India, Home Department (Public), No. 2-Public—135, dated 7th February 1895 :—

"In the Circular letter from this Department No. 70—3943-52 of the 31st December 1873, the Government of India drew attention to the instructions of the late Honourable Court of Directors regarding the use of vernacular terms in official correspondence, and requested that such terms should be employed as sparingly as possible, especially in papers which were intended to go beyond the Local Government first concerned. Again, in the extract circulated with Resolution No. 2—81-95 of 31st January 1881, the Secretary of State drew attention to the inconvenience attending the use of vernacular terms in reports or official correspondence sent home to the India Office, and directed that, whenever it was considered desirable to make use of them, their English equivalents should also be given.

"2. It appears to the Government of India that these instructions have in some measure been lost sight of owing to lapse of time. Letters and reports which come before the Governor General in Council, and especially those dealing with revenue matters, are not infrequently almost unintelligible to persons unacquainted with the Province from which they are received, owing to the number of vernacular terms with which their pages are laden.

"3. I am, therefore, to request that the use of such terms may be avoided as far as possible. It is sometimes necessary to employ vernacular words for which there exists no English equivalent and the precise meaning of which can be conveyed in English, if at all, only by a long periphrasis. But wherever it is possible to use an English word which expresses, with sufficient accuracy for the immediate purpose, the meaning to be conveyed, this should be done.

"4. In the orders of 1873, referred to above, it was stated that they were 'not meant to govern necessarily the style of correspondence carried on between a Local Government and the officers subordinate to it, but were applicable mainly to writings intended to go beyond one Local Government.' It is, however, difficult to distinguish between papers that may go beyond the Local Government and those that will not; and even those that do not, must be reproduced in Proceedings which are always examined by the Government of India. Moreover, officers can hardly be expected to cultivate two distinct official styles, to be used respectively in the two classes of papers. The Government of India hope, therefore, that if His Excellency the Governor in Council sees no objection to so doing, he will extend these instructions to all official correspondence in the Bombay Presidency."

RESOLUTION.—To be communicated to all Departments of the Secretariat and all Heads of Offices under the several Civil Departments of the Secretariat for information and guidance, in continuation of Government Resolution No. 564, dated 16th February 1881.

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(43)

Official Correspondence.

No. 1407.

GENERAL DEPARTMENT.

Bombay Castle, 4th May 1876.

Memorandum from the Survey and Settlement Commissioner, S. D., No. 532, dated 13th April 1876—Stating with reference to Government Circular No. 1040, dated the 29th March last, that many years ago the following form for addressing, numbering and dating official correspondence was issued, which was in every way most convenient to sender and recipient; and, as it has to some extent of late years fallen into disuse, suggesting that it be now again issued as a form to be adhered to :—

"No. OF 1876.

From

A. JONES, Esq.,
Collector of

To

B. SMITH, Esq.,
Collector of

Camp , 1*st May* 1876.

Sir,"

RESOLUTION.—The Heads of Offices generally throughout the Presidency are reminded of the existence of the form and of the desirability of carrying out strictly the previous instructions of Government.

Official Correspondence : Directions to Heads of Offices, whenever they propose that particular persons or classes should be required by Government to take or to refrain from taking any particular action, to quote the law bearing on the subject.

No. 4576.

GENERAL DEPARTMENT.

Bombay Castle, 26th December 1888.

RESOLUTION.—Ordered that the following Circular be addressed to all Heads of Offices under the several Departments and that copies thereof be forwarded to all Departments of the Secretariat, with a request that whenever any officer fails to carry out the order contained in the Circular his attention should be invited to it and the requisite information obtained before his proposal is further considered :—

"A case has recently occurred in which Government were asked to issue certain orders which they had not the power by law to pass. Government are therefore pleased to direct with a view to save unnecessary correspondence in such cases in future, that when any officer proposes that particular persons or classes should be required by Government to take or to refrain from taking any particular action, he should always specify the provision of the law which in his opinion authorizes the adoption of the course proposed by him."

Official Correspondence.

No. 3301 OF 1889.

GENERAL DEPARTMENT.

Bombay Castle, 15th August 1889.

RESOLUTION OF GOVERNMENT.

His Excellency the Governor in Council is pleased to direct that in future no Head of an Office who has not been specially authorised so to do should communicate officially on official matters direct with Government officers in the United Kingdom or the Colonies. Should any Head of an Office not so authorised desire to communicate with any Government officer in the United Kingdom or the Colonies, he should address Government in the Department in which he is employed, stating the information he requires to communicate or to obtain.

B 1423—19

Official Correspondence.

No. 3615.

GENERAL DEPARTMENT.

Bombay Castle, 2nd September 1889.

Letter from the Superintendent, Government Central Press, No. 2331, dated 21st August 1889—Enquiring whether the orders passed in Government Resolution, General Department, No. 3301, dated 15th August 1889, are intended to withdraw the permission granted under Government Resolution, Financial Department, No. 3074 of 4th November 1885, to indenting officers to correspond direct with the Store Department of the India Office on matters of detail connected with the stores indented for by them.

Letter from the Surgeon General with the Government of Bombay, No. 6595, dated 28th August 1889.

RESOLUTION.—It was not intended by Government Resolution, General Department, No. 3301, dated 15th August 1889, to withdraw the permission granted under Government Resolution, Financial Department, No. 3074, dated 4th November 1885, to indenting officers in India to correspond direct with the Director General of Stores at the India Office in all matters of detail connected with the supply of the articles required by them. The Superintendent, Government Central Press, should be so informed.

Official Correspondence.

No. 721.

GENERAL DEPARTMENT.

Bombay Castle, 13th February 1890.

Memorandum from the Government of India, Home Department, Public, No. 5—201, dated 30th January 1890—Forwarding copy of the following letter No. 5—181-88 of the same date to Local Governments and Administrations except Madras and Bombay:—

"In continuation of Home Department Circular letter No. 37—2248-55, dated the 29th November 1889, I am directed to explain that the intention of the orders therein contained is not to prohibit the free communication between Local Governments and the adjoining colonial possessions of the Straits Settlements and Ceylon which has the sanction of long usage; and that the Circular in question was rather directed to communications from individual officers than from Local Governments which can be trusted to distinguish between correspondence which may be carried on direct and such as should go through the channel of the Secretary of State. The orders in the Circular do not refer to correspondence with Consular or Diplomatic officers; nor do they supersede the orders contained in Financial Department Resolution No. 3512 of the 16th October 1885 regarding correspondence with the Director General of Stores at the India Office."

RESOLUTION.—Copies of the letter should be forwarded to all Departments of the Secretariat and all Heads of Offices under the several Departments of the Secretariat for information and guidance in continuation of Government Resolution No. 3615, dated 2nd September 1889.

Demi-official Correspondence: Rules regarding the noticing of — in official correspondence.

No. 3078.

GENERAL DEPARTMENT.

Bombay Castle, 31st August 1891.

Memorandum from the Political Department of the Secretariat, No. 6232-A., dated 14th August 1891—Forwarding copy of the following circular No. 6232 of the same date, laying down rules regarding the noticing of demi-official correspondence in official correspondence :—

"The attention of all officers in the Political, Judicial and Educational Departments is called to the rule already enforced in the Political Department that, unless demi-official letters have been brought on the records of Government and referred to by Government, they should not be noticed in official correspondence. Demi-official correspondence is either used to supplement and explain official correspondence, in which case the distinction of style indicates a fundamental distinction in the writer's intentions as to its official use, or it is adopted in lieu of official correspondence to save time, or to secure secrecy, in which case it should be followed by an official communication in due course.

"2. The following rules are laid down for general guidance :—

(i) No demi-official letter or telegram should be quoted in official correspondence without the express sanction both of the sender and the receiver. On no account should it be communicated to Native States, or quoted in the issue of orders to subordinate officials.

(ii) Demi-official communications or instructions, which are provisionally required for action or record, must be supplemented by official communications containing no reference to the demi-official correspondence.

(iii) Demi-official correspondence should be limited to the uses above described."

RESOLUTION.—The rules adopted in the Political Department by Government Circular No. 6232, dated 14th August 1891, should be made applicable to the Revenue, Financial, General and Separate Departments of the Secretariat, and adhered to strictly.

Official Correspondence.

No. 6148.

GENERAL DEPARTMENT.

Bombay Castle, 9th November 1897.

Memorandum from the Government of India, Home Department (Public), No. 2217, dated the 19th October 1897—Forwarding for information copies of the following papers :—

Letter from the Assistant Financial Secretary and Accountant General, War Office, to the Under Secretary of State for India, No. 82-N.—107, dated the 7th April 1897.

Extract paragraph 5 of a Military letter from the Secretary of State for India, No. 42, dated the 27th May 1897 :—

"5. I forward herewith, for your information, a copy of a letter from the War Office, pointing out the inconvenience and embarrassment caused by the application of the Chief Instructor of Musketry, Pachmarhi, to the Normal Powder Syndicate, Limited, and suggesting that officers in India should be cautioned against communicating in their official capacities with private companies, inventors, or manufacturers.

M.—3433.

"I request that the necessary instructions may be issued by your Government to officers of Departments, and by His Excellency the Commander-in-Chief to officers under his Command."

RESOLUTION.—To be communicated to all Departments of the Secretariat and all Heads of Offices under the several Departments of the Secretariat.

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Information required by the Government of India regarding matters of political or administrative importance, or events which have excited public interest.

No. 5496.

GENERAL DEPARTMENT.

Bombay Castle, 11th October 1897.

Letter from the Government of India, Home Department (Public), No. 1733, dated the 24th August 1897 :—

"Occasionally information regarding matters of political or administrative importance, or events which have excited public interest, has not been promptly communicated by the Local Government to the Government of India, who have gained the first news regarding them from the newspapers. It is essential that news regarding such matters should reach the Government of India at the earliest moment, since it is undesirable that the Governor General in Council should remain in ignorance of important events until they become generally known, while it may at any time become necessary for His Excellency in Council to take action in view of the possibility of their affecting a neighbouring Province or Native State. It appears to the Government of India that the information which is required by them would be readily secured if Local Governments and Administrations were to issue instructions to local officers to despatch direct to the Government of India duplicates of the telegrams in which they report matters of importance to the Local Government or Administration. The matters upon which the Government of India would desire to receive such information are riots which involve a serious breach of the public peace, all collisions between Europeans of all classes and natives, outrages which have a political aspect, calamities such as floods or earthquakes which cause serious damage to life or property, and all other events which have a political or administrative importance.

"2. I am to explain that in making this request the Governor General in Council has no intention of interfering with the disposal by Local Governments and Administrations of business with which it is their function to deal, and that all that he requires in the first instance is a statement of the facts of all events which are politically and administratively important for his information and that of the Secretary of State. His Excellency in Council would, however, desire that in all cases of the kind which are of sufficient importance to call for orders from the Local Government or Administration, an official report intimating its decision and communicating the orders passed by it should be sent as soon as the Local Government or Administration has been able to review the facts of the case and arrive at its conclusion regarding them."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices under the General Department for information and guidance.

Relative to the submission of reports to Government in regard to matters of political or administrative importance, or events which have excited public interest.

No. 4810.

JUDICIAL DEPARTMENT.

Bombay Castle, 13th July 1898.

Read :—

Extract from the *Times of India*, dated the 12th April 1898, to the effect that information has reached Poona from Rewangaon, a village in the Bárámati Petha, Bhimthadi Táluka, Poona District, that an affray took place between dacoits and the District Police near Rewangaon, resulting in serious injury to the Mamlatdar and the death of two dacoits.

Letter to the District Magistrate, Poona, No. 2929, dated the 25th April 1898—Requesting him to submit an official report regarding the encounter with dacoits noticed in the *Times of India*, dated the 12th April 1898.

Extract from the *Advocate of India*, dated the 26th April 1898, relative to the prevalence of serious dacoities in the Thána District.

Letter to the District Magistrate, Thána, No. 3059-A., dated the 30th April 1898—Forwarding the above extract from the *Advocate of India*, and requesting a report as to how far the allegations regarding the prevalence of serious dacoities are founded on fact. Reminding the District Magistrate of the standing orders contained in Government Resolution No. 8024, dated the 4th November 1897, requiring that full details must be reported at the earliest possible date of all such grave disturbances of the public peace.

Letter from the District Magistrate, Thána, No. T.—1177, dated the 3rd August 1898—Submitting, with reference to this Department letter No. 3059-A., dated the 30th April 1898, a report regarding the dacoities in Thána, and expressing regret that his attention was not called to the Government orders of November 1897 quoted above.

Read again :—

Paragraphs 1 and 5 of Government Resolution (Judicial Department) No. 4397 Confl., dated the 29th July 1886.

Government Circular No. 8423, dated the 4th December 1895—Directing District Magistrates to furnish Government with full and timely information of the occurrence of any riot or disturbance.

Government Resolution No. 8024, dated the 4th November 1897—Forwarding, for information and guidance, to Heads of Offices under the Judicial Department, copies of Government Resolution (General Department) No. 5496, dated the 11th October 1897, publishing a letter from the Government of India, Home Department (Public), No. 1733, dated the 24th August 1897, asking that information as to matters of political or administrative importance should be communicated to them at the earliest possible date; suggesting that this can probably best be done by despatch of duplicate telegrams by the officers of the Local Government; and intimating that the occurrences upon which the Government of India would desire to receive such information are riots which involve a serious breach of the public peace, all collisions between Europeans of all classes and natives, outrages which have a political aspect, calamities such as floods or earthquakes which cause serious damage to life or property, and all other events which have a political or administrative importance.

RESOLUTION.—In two recent instances Government obtained their first information concerning matters of some importance from the Press instead of from their own officers, and it therefore appears that the orders contained in Government Resolution No. 8024, dated the 4th November 1897, have not been sufficiently precise to secure the results desired, and it becomes necessary to issue further orders on the subject.

2. It appears to His Excellency the Governor in Council important to ensure that Government shall be fully and punctually informed of any events of a serious nature affecting the public tranquillity and of the occurrence of any natural calamities, such as floods or earthquakes, which cause serious damage

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to life or property. As regards the officers to whom the duty of sending such reports should be assigned, His Excellency in Council considers that it must devolve on the District Magistrates, who, as being generally responsible for the peace and well-being of their districts, are, or should be, at once placed in possession of information of such occurrences; and it should be impressed upon these officers that they must arrange to supply Government with the earliest possible news of all events of the nature described, supplementing or correcting that first despatched as fuller information becomes available. In the City of Bombay effect will be given to these orders by the Commissioner of Police.

3. His Excellency the Governor in Council is of opinion that the information desired by the Government of India as regards such matters must, in all ordinary cases, continue to be furnished by the Local Government. The Local Government are in the best position to decide whether any particular event is likely to affect a neighbouring Province or Native State, or has merely a local importance, and, in the latter case, whether it is of sufficient gravity to require special report to the Government of India. The recognition of any general obligation on the part of officers of all Departments to send reports direct to the Government of India could not but tend to cause uncertainty in the mind of this Government as to what had been done in this regard in any particular case, and might lead to many matters being reported which would thereby acquire an altogether exaggerated and undeserved importance.

4. While, however, it will generally be convenient that the Government of Bombay should make such communication as may be necessary to the Government of India, yet in regard to events of *exceptional* importance, more especially events which must in all probability affect a neighbouring Province or Native State beyond the jurisdiction of this Government, or which appear likely to attract public attention in England, a copy of any *telegram* addressed to Government should be concurrently despatched to the Secretary to the Government of India in the Home Department, the fact that this has been done being mentioned in the telegram to this Government by the addition of the words "repeated to Government of India."

5. Reports of the nature referred to in these orders should invariably be addressed to Government in this Department. Reports regarding the outbreak of any serious epidemic disease will continue to be addressed to Government in accordance with instructions in the General Department.

Information required by the Government of India regarding matters of political or administrative importance or events which have excited public interest.

No. 1987.

GENERAL DEPARTMENT.

Bombay Castle, 9th May 1899.

Read again—

Government Resolution No. 5496, dated the 11th October 1897.

Resolution of Government in the Judicial Department, No. 2159, dated the 23rd March 1899:—

"Read again—

Government Resolution No. 4810, dated the 13th July 1898.

Letter from the Government of India, Home Department (Public), No. 249, dated the 31st January 1899:—

'I am directed to invite attention to the instructions of the Government of India, conveyed in Home Department letter No. 1732—41, dated 24th August 1897, in reference to the prompt communication of information regarding matters of political or administrative importance.

'2. Some objection was taken at the time to the request contained in paragraph 1 of that letter, that local officers should be instructed "to despatch direct to the Government of India duplicates of the telegrams in which they report matters of importance to the Local Government or Administration." But it was thought right to let the experiment be tried. I am to say that experience has shown that the advantages of this system are not so great as to lead the Government of India to insist on maintaining it. There have been several cases in which delay has occurred through misunderstanding arising from the division of responsibility in respect to this matter. The Governor General in Council is, therefore, pleased to withdraw this request.

'3. I am, at the same time, to say that His Excellency in Council considers it essential that information regarding matters of political or administrative importance, or events which have excited public interest, should be promptly communicated to the Government of India. The matters upon which the Government of India desire to receive the earliest possible information are—

(1) riots which involve a serious breach of the public peace;

(2) all collisions between Europeans of all classes and Natives;

(3) outrages which have a political aspect;

(4) calamities, such as floods or earthquakes, which cause serious damage to life or property; and

(5) all other events which have a political or administrative importance.

'4. It is essential that such matters should be immediately reported by local officers to the Local Government or Administration; and I am to request that instructions may be issued to secure that local officers shall promptly submit such reports by telegram. It is equally essential that these reports should reach the Government of India with the least possible delay. His Excellency in Council now leaves to the Local Government or Administration the duty of forwarding these reports by telegram, in the confident hope that it will be promptly and carefully performed.

'5. This preliminary report should, in all cases of the kind which call for orders from the Local Government or Administration, be followed by an official report intimating its decision and communicating the orders passed as soon as the Local Government or Administration has been able to review the facts of the case and arrive at its conclusion regarding them.'

Memorandum from the General Department, No. 746, dated the 17th February 1899—Transferring the above letter to this Department.

RESOLUTION.—Copies of the letter from the Government of India should be forwarded for information and guidance to the Officers and Departments to whom Government Resolution No. 4810, dated the 13th July 1898, was addressed.

2. The orders contained in paragraph 4 of the above Resolution regarding the despatch by local officers of duplicate telegrams to the Government of India are cancelled.

3. The special attention of District Magistrates is drawn to paragraph 3 of the Government of India's letter, and all matters of the kind specified should be, with the least practicable delay, reported to Government by telegram, in accordance with the instructions contained in Government Resolution No. 4810, dated the 13th July 1898, as now modified. In regard to head (1)—riots which involve a serious breach of the public peace—the instructions contained in Government Circular No. 8423, dated the 4th December 1895, should invariably be followed: and under head (3)—outrages which have a political aspect—any act of violence or attempted violence should be reported, if directed against persons in authority or if there is reason to connect it with any factious association or class agitation."

RESOLUTION.—Copies of the Resolution of the Judicial Department should be forwarded to all Heads of Offices under the General Department for information and guidance.

2. Government Resolution, General Department, No. 5496, dated the 11th October 1897, should be considered as cancelled, but the orders contained in Government Resolution, General Department, No. 4562, dated the 15th August 1898, are not affected and remain in force.

3. All Heads of Offices under the several Departments should report at once to the District Magistrate any occurrences of the nature specified in paragraph 3 of the letter from the Government of India No. 249, dated 31st January 1899. The District Magistrate will be the ordinary channel for conveying the information to Government, but in urgent cases and when the District Magistrate cannot at once be communicated with, officers must use their discretion as to reporting to Government direct in the Department to which they belong.

Orders requiring prompt communication to Government of information regarding matters of political or administrative importance or events which have excited public interest:

No. 4403.

JUDICIAL DEPARTMENT.

Bombay Castle, 25th June 1900.

CIRCULAR.

Instances have occurred in which the standing orders requiring prompt communication to Government of information regarding matters of political or administrative importance or events which have excited public interest have been disregarded. The Governor in Council is therefore obliged to invite the careful attention of District Magistrates to the orders marginally noted, which direct that all matters of the kind specified below should be *immediately* reported to Government by telegraph :—

Government Circular No. 8423, dated the 4th December 1895, Judicial Department.
Government Resolution No. 4810, dated the 13th July 1898, Judicial Department.
Government Resolution No. 2159, dated the 23rd March 1899, Judicial Department.
Government Resolution No. 1987, dated the 9th May 1899, General Department.

(1) Riots which involve a serious breach of the public peace (in reporting, the instructions issued in Government Circular No. 8423, dated the 4th December 1895, reprinted below, should be closely followed) ;

(2) all collisions between Europeans of all classes and natives, including shooting accidents ;

(3) outrages which have a political aspect, including any act of violence or attempted violence directed against persons in authority or connected in any way with factious associations or class agitation ;

(4) calamities such as floods or earthquakes, which cause serious damage to life or property ; and

(5) all other events which have a political or administrative importance.

The preliminary telegraphic report should invariably be followed by a further report by post, supplementing or correcting the former as fuller information is available.

2. The Governor in Council trusts that he will have no occasion in future to complain of the omission to comply with these explicit orders. If there is a doubt which of two officers should report an incident, both should send such information as may be available in order that the risk of delay may be avoided. For instance, if the Magistrate of a District where British troops are stationed should receive intelligence of an affray in which they were concerned even beyond the limits of his jurisdiction, he should acquaint Government with-

out loss of time with the facts as brought to his knowledge, though the responsibility of the local authority for compliance with the standing orders will not be affected thereby.

Judicial Department Circular No. 8423, dated the 4th December 1895.

In order that Government may have the fullest and earliest intimation of the occurrence of any serious riots, District Magistrates should immediately report any such occurrence within their districts by telegram to Government, and in doing so should give information as far as possible on the following points, namely—

(i) The origin or cause of the riot.

(ii) The persons or class of persons who began it.

(iii) The course of the riot.

(iv) How it terminated or was suppressed.

(v) If suppressed by force, by what force and how; and if resort was had to fire-arms for its suppression, what cartridges were used; and particularly whether the orders of Government against the use of blank cartridges were observed.

(vi) If military force was used, how many soldiers of Her Majesty's Army or Volunteers enrolled under the Indian Volunteers Act were called out; and whether to disperse the rioters or to arrest and confine any of them or to maintain order after the riot.

(vii) The condition of the place and feeling of the population on the termination of the riot; whether further disturbances are expected; and whether adequate precautions have been taken.

(viii) The number of killed and wounded.

Official Correspondence: Relative to the communication to Military authorities by local Civil officers of copies of reports in cases of outrages which have a political aspect.

No. 5223.

GENERAL DEPARTMENT.

Bombay Castle, 4th October 1900.

Resolution of Government in the Judicial Department, No. 6123, dated the 7th September 1900:—

"Letter from the Government of India, Home Department (Public), No. 2078, dated the 10th August 1900:—

'In Home Department letter No. 249, dated the 31st January 1899, instructions were issued for the prompt communication to Government of information relating to matters of political or administrative importance. The matters included in this description, of which the Government of India desire to receive the earliest information, are enumerated in paragraph 3 of the Circular of 31st January 1899. I am to say that the Military authorities are interested in all cases which come under the head of "Outrages which have a political aspect," and I am therefore to request that, with the permission of the Governor in Council, the local Civil officers may, when outrages of the kind occur, be directed to send copies of the reports in such cases, even when no Military officer, soldier or follower is concerned, to the Officers commanding the stations, at places where troops are stationed, or to the General Officers Commanding Districts if at places where there are no troops, as well as to the Local Governments and Administrations.

'ORDER.—Ordered that copies of the above letter be forwarded for information and guidance to the Officers and Departments to whom Government Circular* No. 4403, dated the 25th June 1900, was addressed, and to the Deputy Adjutants-General, Bombay and Madras Commands.'"

RESOLUTION.—Copies of the Resolution of the Judicial Department should be forwarded to all Heads of Offices under the General Department for information and guidance, with reference to Government Resolution No. 1987, dated the 9th May 1899.

Relative to the communication to Military authorities by local Civil officers of copies of reports in cases of outrages which have a political aspect.

No. 3364, dated the 14th December 1900.

From—H. J. McINTOSH, Esq., Deputy Secretary to the Government of India;

To—The Chief Secretary to the Government of Madras.

I am directed to acknowledge the receipt of your letter No. 980-Public, dated the 21st September 1900, suggesting a modification of the instructions issued in Home Department letter No. 2077—2086, dated the 10th August 1900, so as to permit of intimation regarding outrages which have a political aspect being made by the Local Government to the Lieutenant-General Commanding the Forces, instead of by the local Civil officers direct to the local Military authorities.

2. In reply, I am to say that when an outrage of the kind occurs, and unless the co-operation of the local Military authorities is required, it will be sufficient if only an intimation of the occurrence is made by the local Civil officers to the Officer Commanding the Station or the General Officer Commanding the District, as the case may be. The detailed report, addressed to the Local Government, upon any such occurrence need not be communicated by the local Civil officers to the local Military authorities, unless the co-operation of the latter is sought. If, however, in any case it is considered necessary to communicate further details to the Military authorities, the necessary communication may be made by the Local Government to the Lieutenant-General Commanding the Forces.

3. I am to request that, with the permission of the Governor in Council, instructions to this effect may now be issued to the Civil officers.

No. 3365, dated the 14th December 1900.

Copy forwarded to the Government of Bombay for information and guidance.

No. 223.

JUDICIAL DEPARTMENT.

Bombay Castle, 10th January 1901.

ORDER.—Ordered that copies of the Government of India's letter No. 3364, dated the 14th December 1900, addressed to the Government of Madras, be

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* Printed at pp. 80-81 *ante*.

forwarded for information and guidance to the Officers and Departments to whom Government order No. 6123, dated the 7th September 1900, was communicated.

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Official Correspondence: Telegrams addressed to Government should specify the Departments for which they are intended.

No. 6502.

GENERAL DEPARTMENT.

Bombay Castle, 28th November 1898.

Memorandum from the Financial Department of the Secretariat, No. 5203, dated the 15th November 1898—Transferring a letter No. 8697, dated the 12th October 1898, from the Superintendent of Telegraphs, Bombay Division, and the notes thereon, regarding the advisability of having complete telegraphic code addresses for the different Secretariat Departments.

RESOLUTION.—The Heads of Offices under the several Departments of the Secretariat should be informed that telegrams for Government should not be addressed in any case simply to "Chief Secretary" or to "Bombay," but that the name of the Department for which the message is intended should invariably be added to the word "Bombay," *e.g.*, "Bombay, General," "Bombay, Plague," "Bombay, Political," "Bombay, Financial," &c., &c.

2. The Local Governments and the Government of India have been requested to address telegrams for this Government accordingly; and the Government of India have been requested to make the following changes in the list of abbreviated addresses of Government officials in India to be used in State telegrams, which is published in the Indian Telegraph Guide:—

To be removed from the list.

Full address.	Abbreviated address.
Chief Secretary to the Government of Bombay.	Bombay.

To be added to the addresses of the Secretaries to this Government which appear in the list.

Full address.	Abbreviated address.
Secretary to the Government of Bombay, General Department, Plague.	Bombay, Plague.
Secretary to the Government of Bombay, Financial Department.	Bombay, Financial.

Rules for the treatment of Confidential Correspondence.

No. 1001.

GENERAL DEPARTMENT.

Bombay Castle, 18th March 1882.

RESOLUTION OF GOVERNMENT.

The following rules for the treatment of confidential correspondence, sanctioned by the Government of India and circulated to the several Departments of the Secretariat with Government Resolution, General Department, No. 578, dated 26th February 1874, are communicated to the officers concerned under the Revenue, Financial and General Departments for information and guidance :—

I.—Confidential papers should not pass in usual course through an office. Only the Head of the Office and a few trustworthy clerks (whose names are to be noted) should deal with them.

II.—Confidential papers should pass from hand to hand either by personal delivery or be sent in sealed covers.

III.—The entries in the ordinary office registers and diaries should be made from slips furnished by the confidential clerk who deals with the papers, and should be very general, sufficient merely to admit of the paper being traced, and referring to a separate register. This separate register should be kept by the confidential clerk, and should be in the same form and as full as the general register kept for ordinary correspondence.

IV.—Confidential papers should not be brought on the ordinary proceedings, but should be separately recorded, and kept under the personal custody of the confidential clerk. If printed, the spare copies and the volumes of Proceedings should be treated with the same attention as the originals, and when forwarded for the information or use of Government, should be sent carefully packed under double cover.

V.—As few copies of confidential papers as possible should be printed and a register should be kept of these showing how each copy has been disposed of.

VI.—When confidential papers are sent out of an office they should be put into double covers, the inner one being marked Confidential and superscribed with only the name of the addressee, and the outer one bearing the usual official address.

(*Copy of the Circular referred to in the Government Resolution No.* 2554, *dated* 20*th August* 1874.)

CIRCULAR.

No. 11088 OF 1851.

TERRITORIAL DEPARTMENT
(REVENUE).

Bombay Castle, 26th November 1851.

From
The Collector of
dated
No.
Subject.—

Sir,—I have been directed by the Honourable the Governor in Council to request that your letters to Government may, in future, be docketted according to the form given in the margin.

2. You are requested to take care that the subject of letter is given in the docket in as clear, brief and correct a manner as possible.

Official Correspondence.

No. 2554.

FINANCIAL DEPARTMENT.

Bombay Castle, 20th August 1874.

Letter from the Accountant General, No. G.—4912, dated 27th February 1874—Requesting as the Inward correspondence of his office has very much increased and the indexing of letters received is very irksome in the absence of an endorsement on each letter containing the name and address of the sender, the number and date of the letter and a concise précis of its purport, that orders may be issued that every letter and document shall be endorsed as above by the despatching officer; forwarding a form of such endorsement for the approval of Government; and requesting that all Heads of Departments be directed to prohibit the transmission from their respective offices of any document or set of documents without a covering letter or memorandum stating the number and nature of the papers forwarded therewith.

RESOLUTION.—The Accountant General's proposal is approved. The standing orders relating to docketting letters addressed to Government are not uniformly carried out. The Circular that was issued in 1851 should now be repeated.

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(*Form of Endorsement referred to in the above letter from the Accountant General.*)

No.

From

To

Number

Date

Subject.

(Here should be written a concise précis of the purport of the letter.)

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Revenue Survey and Assessment.

No. 2668.

REVENUE DEPARTMENT.

Bombay Castle, 10th May 1873.

Memorandum from the Revenue Commissioner, S. D., No. 1541, dated 23rd April 1873—Submitting, with reference to paragraph 1 of Government Resolution No. 2158, dated 16th idem, an explanation from the Collector of Poona, regarding the delay in handing up the Survey Superintendent's proposals for the revision of assessment in fifty-six villages of the old Pabal Táluka.

RESOLUTION.—All printed documents are to bear the date of their despatch, and not that on which they were sent in manuscript to the Press.

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No. 2172.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 27th October 1866.

Read the following papers :—

Letter from H. B. Boswell, Esquire, Collector of Ratnágiri, to the Collector of Kánara, No. 1550, dated 29th September 1866 :—

"I have the honour to send the accompanying envelope to your Deputy's Memorandum No. 2070 of the 21st instant, bearing postage of annas 2 charged by the Postal Department, being insufficiently stamped, and to request that you will have the goodness to remit the amount at your earliest convenience."

Memorandum from F. Thelwall, Esquire, Acting Deputy Collector in charge Kánara, to the Revenue Commissioner, S. D., No. 2096, dated 6th October 1866 :—

"Forwarded to the Revenue Commissioner, S. D., with a suggestion that in future charge for deficient postage should be borne by the receiving office. The postage of Mr. Boswell's letter has cost two annas, and the postage of the reply will cost two more, so that four annas will be spent to recover two."

Memorandum by J. W. Hadow, Esquire, Acting Revenue Commissioner, S. D., No. 3960, dated 17th October 1866 :—

"Submitted, through the Accountant General, to Government, whose sanction is solicited to the course suggested by Mr. Thelwall, and of which the Acting Revenue Commissioner approves, being followed as a general rule; the charge being entered in the receiving officer's contingent bill, to which the cover of the letter on which the postage is charged should be appended as a voucher."

Memorandum from J. L. Lushington, Esquire, Accountant General, to the Chief Secretary to Government, No. 3049, dated 22nd October 1866 :—

"In forwarding the accompanying papers the undersigned has the honour to observe that he has no objection to the course suggested by Mr. Thelwall and the mode of adjustment proposed by the Revenue Commissioner, S. D."

RESOLUTION.—Government sanction the general adoption of the course suggested by Mr. Thelwall and recommended by the Acting Revenue Commissioner, S. D.

Postal matters.

No. 2534.

GENERAL DEPARTMENT.

Bombay Castle, 20th October 1870.

Memorandum from the Assistant Secretary, Public Works Department, No. 11536, dated 10th October 1870—Transfers, for disposal, the following letter from the Controller of Public Works Accounts :—

"With reference to Government Resolution No. 2264, dated 6th November 1866, communicating Government Resolution (General Department) No. 2172, dated 27th October 1866, directing that insufficiently stamped covers should be submitted as vouchers to the postal charges preferred by the receiving officer, I beg to point out that at the time these instructions were issued, Government Departments were not debited with the cost of postage on official letters. Under recent Postal Rules the cost of postage on official letters received and despatched by privileged officers is charged to the Department concerned. Accordingly, the transmission to this office as vouchers of covers originally insufficiently stamped or unstamped involves second charge of postage to this Department; it appears, consequently, advisable to reconsider this Resolution.

"2. As the Resolution emanated from the General Department I consulted the Accountant General, Bombay, who agrees with me that in lieu of the covers being sent as vouchers, a certificate of the amount actually paid for deficient postage be appended by the officer preferring the charge, and I beg to recommend this course for the consideration of Government."

RESOLUTION.—The course recommended by the Controller of Public Works Accounts is approved and should be adopted.

No. 4382.

POLITICAL DEPARTMENT.

Bombay Castle, 13th September 1881.

Circular letter from the Under Secretary to the Government of India, Foreign Department, No. 1597—G.G., dated the 22nd August 1881 :—

"I am directed to forward for the information of His Excellency the Governor in Council, and for communication to the Political officers subordinate to the Bombay Government, the enclosed extracts from a Circular and Notification of the Government of India, regarding the treatment of official documents by public officers.

"2. I am to say that the instructions conveyed in these papers should be carefully observed."

Extract from a Circular from the Secretary to the Government of India, Political Department, to Residents, Agents, &c., No. 755, dated Agra, 9th May 1843.

"I have been directed to inform you that no officer in the Political Department is at liberty to communicate to any one any portion of the instructions he may receive without specific orders to that effect.

"2. The rule with respect of official correspondence is not that an officer is allowed to divulge all he is not specially directed to keep secret, but that he is not allowed to divulge anything which he is not specially directed to communicate."

Notification by the Government of India, Foreign Department, No. 150, dated 30th August 1843.

"Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be made public or their contents communicated to individuals without the previous consent of the Government, to which alone they belong.

"2. The officer in possession of such documents and papers can only legitimately use them for the furtherance of the public service in the discharge of his official duty, and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially."

RESOLUTION.—Copy of these papers should be forwarded to all Political Officers, including Collectors.

Official Correspondence.

No. 2958.

GENERAL DEPARTMENT.

Bombay Castle, 24th September 1887.

Memorandum from the Public Works Department of the Secretariat, No. 68-R., dated 21st April 1887—Forwarding for disposal the following note by the Under Secretary to Government in that Department, together with the Minute thereon by His Excellency the Governor :—

Note by the Under Secretary, Public Works Department.

"Referring to the papers submitted to-day regarding the Násik Tramway case a point occurs to me on which some ruling is, I think, desirable.

"It will be seen that the Collector endorsed a copy of the Resolution of 31st March 1886* to the promoters, and the point is, should there not be some restriction on the power of officers to communicate Government Resolutions to private companies, firms or individuals?

*Vide accompaniments to the Chairman's letter of 29th March 1887.

"My view is that in such a case the Collector should have addressed the promoters by letter, informing them simply of the decision of Government, and not have sent them the Resolution, the preamble of which embraces the opinions of the officers and Departments consulted.

"In this particular case it was not of so much importance, but I know of cases in which information comprised in the preamble, and merely intended to guide Government in forming their opinion, has been made use of, to the prejudice of Government, by private parties to whom the Resolution was communicated.

"In the Public Works Department, Secretariat, the invariable rule now is to address all private parties by letter, and not to communicate Resolutions; but of course the purpose of such a rule is defeated if the officers of Government are at liberty to communicate Resolutions in conveying a decision.

WALTER C. HUGHES,

Under Secretary to Government.

9th April 1887."

Extract paragraph 1 of Minute by His Excellency the Governor, dated 12th April 1887.

"1. The Public Works Department practice is the correct one. This note may be transferred to all other Departments, inviting them to conform to this practice or to show cause why it should be departed from."

RESOLUTION.—The practice laid down in the Public Works Department should be adopted in future by all Heads of Offices subordinate to the Revenue, Financial and General Departments.

Official Documents: Supply of copies of — to private individuals.

No. 3776.

GENERAL DEPARTMENT.

Bombay Castle, 26th August 1896.

RESOLUTION OF GOVERNMENT.

It has come to the notice of Government that in some instances the orders contained in Government Resolution No. 2958, dated 24th September 1887, directing that Government Resolutions should not be communicated to private parties, have been disregarded. In republishing those orders His Excellency the Governor in Council desires that wide publicity should be given to them.

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Official Information.

No. 155.

GENERAL DEPARTMENT.

Bombay Castle, 22nd January 1879.

Letter from the Government of India, Home Department (Public), No. 3-C.H., dated 16th December 1878—Enclosing copy of the following Resolution No. 1-C.H. of the same date, on the subject of communicating to the public information which has come into the possession of a Government servant in his official capacity; and requesting that the Resolution may not be published in the *Gazette*, but that particular care may be taken that all the officials serving under the orders of this Government may have full knowledge of these instructions :—

No. 1-C.H.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Camp Lahore, the 16th December 1878.

"RESOLUTION.—His Excellency the Viceroy and Governor General desires to remind all officers of the Government that information received by them in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

"The Governor General does not think it necessary to issue any general order entirely prohibiting the disclosure, without special authority, of any information received officially. In such matters, much must necessarily be left to the discretion and intelligence of officers holding places of trust and in charge of duties more or less important. But His Excellency would impress upon all officers the serious responsibility involved in the exercise of this discretion. Whenever there is any room for doubt as to the right course to pursue, the orders of superior authority should be obtained before information regarding public affairs is communicated to any one not officially entitled to receive it.

"His Excellency the Viceroy and Governor General has reason to believe that sufficient attention has not upon all occasions been given to the principles which should guide the conduct of public officers in these matters, and which are especially applicable to the present time, when much important business is passing through the public offices. And His Excellency trusts that these principles may, in future, be clearly apprehended and observed.

ORDER.—Ordered that a copy of this Resolution be circulated to all Departments of the Government of India and to Local Governments and Administrations for information and guidance.

A. C. LYALL,
Secretary to the Government of India
with the Governor General."

RESOLUTION.—Copy of the Resolution to be forwarded to all Departments of the Secretariat, to all Commissioners and Officers serving under the different branches of the Administration, for information and guidance.

Official Documents; Premature publication of —.

No. 3193.

GENERAL DEPARTMENT.

Bombay Castle, 4th September 1884.

Despatch from Her Majesty's Secretary of State for India, No. 14, Public (Records), dated 19th June 1884—Forwarding copy of a Treasury Minute, dated 13th March 1884, containing rules regarding the "premature publication of official documents," and requesting that similar rules may be adopted by the various Departments of this Government.

Letter from the Secretary to the Government of India, Home Department (Public), No. 30—1268, dated 16th August 1884:—

"The Secretary of State has forwarded to the Government of India a copy of a Treasury Minute, dated the 13th March 1884, respecting the 'premature publication of official documents,' with the request that similar rules may be adopted in this country.

"2. The minute in question draws attention to previous orders prohibiting the unauthorised communication to the public press of information derived from official sources, and points out that the communications so prohibited are not confined to matter still under discussion, but include also the unauthorised disclosure of matter finally decided on, but as to which the manner and the time of publication may be not less important than the matter itself.

"3. The standing orders of the Government of India upon the subject are contained in the Notification and Resolutions reproduced in the Appendix. The Governor General in Council desires that these orders may in future be held subject to the further restrictions explained in paragraph 2 above."

APPENDIX.

General Order, Foreign Department, dated the 15th March 1847.

Fort William, Foreign Department, the 30th August 1843.

NOTIFICATION.—Some misconception appearing to exist with respect to the power which officers of both services have over the documents and papers which come into their possession officially, the Governor General in Council deems it expedient to notify that such documents and papers are in no case to be made public, or communicated to individuals without the previous consent of the Government to which alone they belong.

The officer in possession of such documents and papers can only legitimately use them for the furtherance of the public service in the discharge of his official duty; and it is to be understood that the same rule which applies to documents and papers applies to information of which officers may become possessed officially.

By order, &c.,
J. THOMASON,
Secretary to the Government of India.

The Governor General deems it advisable to republish for general information the Notification issued on the 30th August 1843, in which the principle is laid down that it is contrary to the duty of every officer, Civil or Military, to make public, or to communicate to individuals, without the previous sanction of Government, any documents, papers, or information of which he may have become possessed in his official capacity.

The practice of making use of official information in carrying on personal controversies is a course highly prejudicial to the public interests, and is not only at variance with the rules by which due discipline and obedience to superior authority can be adequately maintained, but is a positive breach of faith, inasmuch as no functionary has a right to reveal, without due authority from his official superiors, or the Home authorities, any fact or circumstance which may come to his knowledge in the performance of his duty, or to correspond with any one upon the instructions he may have received for his special guidance.

The Governor General is persuaded that every officer, Civil and Military, will henceforth conform to this rule of the service under the conviction that, if in the transaction of his official duties his public conduct be impugned, he is at liberty to seek

redress through the usual official channel by an appeal to the Government he serves, and that the Government so appealed to will afford him every opportunity of vindicating his character.

By order of the Right Honourable the
Governor General of India,

H. M. ELLIOT,

Officiating Secretary to the Government of India
with the Governor General.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 19—1134, under date Simla, the 8th July 1875.

RESOLUTION.—Questions having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor General in Council thinks it desirable that the existing orders on the subject should be clearly understood :—

I.—No officer in the service of Government is permitted, without the previous sanction in writing of the Government under which he immediately serves, to become the proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such, for instance, as art, science or literature. The sanction will be liable to be withdrawn at the discretion of the Government.

II.—Officers in the service of Government are not prohibited from contributing to the public press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity. These rules have been hitherto in most cases honourably observed. In case of a departure from them, or if the Government should consider the connection of any officer with the press to be contrary to the public interests, his liberty to contribute will be withdrawn.

III.—The Government of India will decide, in case of doubt, whether any engagements of officers with the press are consistent with the discharge of their duties to the Government.

IV.—Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the Army.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* and circulated to Local Governments and Administrations for information and guidance.

(True Extract.)

ARTHUR HOWELL,

Officiating Secretary to the Government of India.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 1-C.II., under date Camp Lahore, the 16th December 1878.

RESOLUTION.—His Excellency the Viceroy and Governor General desires to remind all officers of the Government that information received by them in their official capacity, whether from official sources or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

The Governor General does not think it necessary to issue any general order entirely prohibiting the disclosure, without special authority, of any information received officially. In such matters much must necessarily be left to the discretion and intelligence of officers holding places of trust and in charge of duties more or less important. But His Excel-

lency would impress upon all officers the serious responsibility involved in the exercise of this discretion. Whenever there is any room for doubt as to the right course to pursue, the orders of superior authority should be obtained before information regarding the public affairs is communicated to any one not officially entitled to receive it.

His Excellency the Viceroy and Governor General has reason to believe that sufficient attention has not upon all occasions been given to the principles which should guide the conduct of public officers in these matters, and which are especially applicable to the present time, when much important business is passing through the public offices. And His Excellency trusts that these principles may in future be clearly apprehended and observed.

ORDER.—Ordered, that a copy of this Resolution be circulated to all Departments of the Government of India and to Local Governments and Administrations for information and guidance.

A. C. LYALL,

Secretary to the Government of India
with the Governor General.

Letter from the Government of India, Home Department, Public, No. 1317, dated 20th August 1884—Inviting, in reply to the letter from this Government No. 2588, dated 23rd July 1884, regarding the premature publication of official documents, attention to the orders on the subject contained in the Circular letter from the Home Department, No. 30-1268, dated 16th August 1884.

RESOLUTION.—Copies of the Circular letter from the Government of India and of the Appendix should be forwarded to all Departments of the Secretariat, and to all Heads of Offices under the Revenue, Financial and General Departments for information and guidance, with reference to Government Notification* dated 26th July 1875, and Government Resolution No. 155, dated 22nd January 1879.

* Published at page 753 of Part I of the *Bombay Government Gazette* dated 29th July 1875.

Official Reports: No —, &c., to be supplied by Government officers to newspapers without authority from Government.

No. 560.

GENERAL DEPARTMENT.

Bombay Castle, 17th February 1885.

RESOLUTION OF GOVERNMENT.

It having recently been stated in the *Times of India* newspaper that three copies of a report were furnished to it from different official sources, Heads of Departments are informed that newspapers are supplied from the Secretariat with such official papers as it is deemed expedient to publish, and that no such papers should be communicated to the Press by any Government officer without authority from Government.

Extract from the Proceedings of the Government of India in the Home Department (Public), No. 22-A., dated 3rd June 1885.

RESOLUTION.

His Excellency the Viceroy and Governor General has, within the last few months, observed, not infrequently, in the columns of the daily papers, items of official information of a confidential character, which can only have reached the press through an indiscretion or want of reticence on the part of those officers of Government who have had to deal departmentally with the subject-matter of the editorial paragraphs in question. In former days, when India

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was comparatively isolated, when there were no telegraphs, and when newspapers were neither numerous nor widely circulated, the mischief arising from such violations of official reticence may have been less apparent; but now that every statement, however inaccurate or incomplete, which has any bearing upon pending questions of policy or administration, is reported from one end of India to the other, and from India to Europe in the course of a few hours, the case is very different, and the embarrassment thus caused to the Government becomes at times a matter of very serious moment.

2. It must be clearly understood that no officer of Government, not specially authorized in that behalf, is at liberty to communicate to the press, either directly or indirectly, information of which he may become possessed in the course of his official duty. A similar professional reticence should be exercised by all officers of Government in their private and unofficial intercourse with non-official persons, and even with officers of Government belonging to other Departments. His Excellency the Viceroy and Governor General does not for a moment intend to debar officers of Government in private life from the same freedom in the discussion of public events which is enjoyed by all Her Majesty's subjects; but when an officer has in the course of his duty become possessed of special information not yet made public, he should always be strictly on his guard against the temptation of divulging it, even to other servants of Government, when these are not officially entitled to his confidence. Irresponsible persons hearing facts of interest mentioned without reserve in the course of general conversation can scarcely be expected to refrain from repeating them to others, and thus giving them a premature and too often a garbled currency.

3. His Excellency the Viceroy and Governor Genenal feels sure that he has only to invite the attention of the officers of Government to the importance of this matter to secure their earnest co-operation in putting a stop to such casual and unpremeditated breaches of official confidence. Officers of Government are bound to be as reserved in respect to all matters that may come within their cognizance during the discharge of their public duties as lawyers, bankers, or other professional men in regard to the affairs of their clients.

4. For the due communication to the press of such information as may unobjectionably be given to it, departmental arrangements must be made under proper authority.

No. 3325.

JUDICIAL DEPARTMENT.

Bombay Castle, 10th May 1898.

CIRCULAR.

Instances are frequent in which erroneous or distorted versions of matters engaging public attention or relating to the acts of Government and its officers appear in the columns of the public press. This result, which is apparently due to the hasty publication of statements of fact before they are verified, is not infrequently attributed by Editors to the impossibility of obtaining accurate and reliable information. Under the standing orders of the Government of India, published with Government Resolution in the General Department No. 3193, dated the 4th September 1884, the communication to the press of matters which may be made public without inconvenience is not forbidden, but is left to the careful discretion of officers. His Excellency in Council desires that the freest communication compatible with these orders should be encouraged between the higher Government officers and Editors of respectable newspapers. District Magistrates should understand that they are authorized at their discretion (1) to communicate to Editors of local papers correct facts of occurrences which excite local interest whenever they deem it necessary in the public interests to do so, and (2) to accede to requests by local Editors for information

as to facts in cases where this can in their opinion be done without compromising public interests; and convenient opportunity should be taken of informing local Editors that they are at liberty to apply to the District Magistrate for information in verification of reports which they propose to publish.

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No. 3724.

GENERAL DEPARTMENT.

Bombay Castle, 8th November 1881.

RESOLUTION OF GOVERNMENT.

His Excellency the Governor in Council is pleased to direct that from and after December 1st, 1881, Madras time shall be kept in all offices under the control of Government and shall be held to be the official time for all purposes.

2. His Excellency in Council invites the public to extend the uniformity which this order is designed to secure in public offices by adopting Madras time for general use.

Official time: Keeping of local time in all Government Offices in Bombay and at Aden.

No. 1820.

GENERAL DEPARTMENT.

Bombay Castle, 29th May 1883.

Letter from the Secretary, Chamber of Commerce, Bombay, dated 16th May 1883:—

"With reference to the letter No. 239 of the 18th October 1881, addressed by the Chamber of Commerce to Government in the General Department, in which the Chamber expressed its opinion as to the proposal that Madras time should be kept in Bombay as the official time for all purposes, I am directed to state that it has been found after fully a year's trial that the keeping of Madras time in the City of Bombay is not acceptable to the community, and that the different times which are now kept give rise to much irritating inconvenience. The Committee, therefore, respectfully desire to suggest that His Excellency the Governor in Council will in these circumstances be so good as to give orders that Bombay time be reverted to in the Government offices of the Presidency town.

"The Committee, while making this suggestion, desire to express their acknowledgments of the good intentions which prompted His Excellency for the general convenience to introduce Madras time into Bombay."

RESOLUTION.—The Chamber of Commerce should be informed that in directing that from December 1st, 1881, Madras or Indian mean time should be kept in all offices under the control of Government and should be held to be the official time for all purposes, the object which the Governor in Council had in view was to obviate the inconvenience arising from the keeping of two times, the local and the Indian mean time. In the United Kingdom Greenwich time has for many years been universally adopted, and it was hoped that in the same way Madras time might in this Presidency be generally followed. The Governor in Council trusted that by consulting the Chamber of Commerce, who reported in favour of the principle, he had secured the concurrence of the mercantile community of Bombay. As, however, it is now clear that the public of Bombay are not prepared to follow the example of Government in the matter of the adoption of Indian mean time and prefer to adhere to the local time, the Governor in Council feels that he will be consulting the public convenience by reverting to local time in the City and Island of Bombay, and orders will accordingly be issued to the effect that from the 1st proximo local

time shall be kept in all offices under the control of Government in the City and Island of Bombay and shall be there held to be the official time for all purposes.

2. Outside the City and Island of Bombay the adoption, generally throughout the Presidency, of Indian mean time has given satisfaction, and that time should consequently continue to be regarded as official time everywhere in the Presidency, except in Bombay and Aden.

3. Intimation of the orders now passed should be given to the Judicial Department for communication to the Honourable the Chief Justice and Judges of the High Court; to the Ecclesiastical Department for communication to the Lord Bishop; to the other Departments of the Secretariat; and to the Postmaster-General and the Superintendent of Telegraphs.

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CIRCULAR.

No. 394 of 1843.

Territorial Deparment (Revenue).

To

Sir,

The practice of borrowing money from, or on the security of, subordinate servants, being considered highly improper, the Honourable the Governor in Council is pleased to prohibit it in all branches of the public service, and to declare that any person who may in future transgress the rule now laid down will subject himself to the penalty of dismissal from office.

2. You will be pleased to make this order known to all persons serving on your establishment.

Bombay Castle, 4th February 1843.

Ordered that a copy of this foregoing Circular be transferred to the several Departments of the Secretariat, that it may be issued to the Heads of Offices and Departments under their respective control.

(Signed) L. R. REID,
Chief Secretary.

CIRCULAR.

No. 956 of 1844.

Territorial Department (Revenue).

To

The REVENUE COMMISSIONER,
Northern Division.

Sir,

Several instances have recently come to the knowledge of Government of officers, filling civil appointments in the districts subordinate to this Presidency, having borrowed money from Natives residing within their official jurisdiction, and as no practice can be more injurious than this to the public interests, and to the character of Government and of its servants, the Honourable the Governor in Council has resolved positively to prohibit under the severest penalties any future transactions of this nature.

2. I am directed to call your particular attention to the first clause of Section 1, Regulation XXIII of 1827, Chapter I, and to inform you that under the Regulation, sawkars, shroffs and money-lenders of every denomination are held by Government to be included among those Natives with whom the Civil officers of Government are not to have any pecuniary transactions, and further that the penalty of dismissal from their situations will be enforced on officers of the Revenue as well as officers of the Judicial branch of the service who may offend against the provisions of this clause.

3. The Governor in Council having also taken into consideration the evils arising from persons in involved and embarrassed circumstances holding high and responsible situations under Government, has resolved thus publicly to intimate to all officers in the Honourable Company's service under this Presidency that henceforward the fact of officers being so situated will be considered, in the absence of satisfactory explanation of the causes in which such embarrassments originate, a strong objection to their advancement to offices of trust and responsibility.

Bombay Castle, 27th March 1844.

No. 551.

POLITICAL DEPARTMENT.

Bombay Castle, 7th February 1860.

Letter from the Government of India, Foreign Department, No. 904, dated 31st December 1859 :—

"I am directed by the Governor General to forward copy of a Notification of this date, published by order of His Excellency, and to request that the rule therein laid down may be observed in the Bombay Presidency.

Notification of the Government of India, Foreign Department, No. 900, dated 31st December 1859.

"It has been brought to the notice of the Governor General that public officers in some parts of India are in the habit of overdrawing their accounts with Native bankers and other persons residing, or carrying on business, within the limits of their jurisdiction.

This practice is entirely opposed to the orders of the Government, and is expressly prohibited by Section 3, Regulation VII, 1823, of the Bengal Code.

This section is now republished for general information and guidance :—

'All Judges of Zilla and City Courts, all Magistrates, Joint Magistrates, Registrars and Assistants to Magistrates, all Collectors and Deputy Collectors of the Land Revenue, all Assistants to such Collectors or other officers, exercising the powers of such Collector, are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any Zamindar, Talukdar, ryot, or other persons possessing real property or residing in, or having a commercial establishment within the city, district or division to which their authority may extend.'

Officers politically employed were prohibited by the orders of the Government of India dated the 22nd March 1845 from borrowing money of, or lending money to, any Native of India, resident within their respective political circles.

The Governor General now calls the attention of all officers of Government employed in any Civil or Political capacity in any part of India to their express prohibitions; and warns them that by any infraction thereof, whether by overdrawing accounts with bankers or in any other way, they will incur the severe displeasure of the Government.

Residents, Agents, Commissioners, and other controlling officers will be held responsible for checking any departure from the strict letter of this order on the part of their subordinates."

RESOLUTION.—Copies of the Government of India's letter and of its accompaniment to be furnished for information and guidance to the officers subordinate to the General and Public Works Departments.

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Government Servants: Orders prohibiting — from entering into pecuniary arrangements with members of the Service or Department to which they belong in connection with the resignation of any appointments held by them.

No. 91.

GENERAL DEPARTMENT.

Bombay Castle, 11th January 1884.

Letter from the Secretary to the Government of India, Home Department, Public, No. 55—1865, dated 29th December 1883 :—

"The Governor General in Council considers it desirable to republish for general information the orders issued by the Government of India in Notification No. 216 (General Department), dated 9th September 1842, prohibiting civil and military servants of the Government from entering into pecuniary arrangements with members of the service or Department to which they belong, in connection with the resignation of any appointment held by them. Officers of Government are warned that any violation of these orders will be severely visited on the offender."

Notification by the Government of India in the General Department, No. 216, dated Fort William, 9th September 1842.

"It having come to the knowledge of Government that very erroneous impressions are entertained on the subject of pecuniary arrangements referable to the resignation of appointments, the Honourable the President in Council is pleased to give notice that all such arrangements are prohibited, and that on proof of any appointment, civil or military, having been resigned under such circumstances, the nomination consequent on such resignation will be cancelled, and the parties concerned suspended the service in Public Orders pending the pleasure of the Honourable the Court of Directors."

RESOLUTION.—Copy of the letter and enclosure should be forwarded to all Departments and Heads of Offices for information and guidance.

2. The Notification of the Government of India of 1842 was republished at page 716 of the *Bombay Government Gazette*, dated 13th October 1842.

Borrowing of money by Covenanted Civil Servants, Statutory Civilians, &c.: Orders regarding the —.

No. 1154.

GENERAL DEPARTMENT.

Bombay Castle, 14th April 1888.

Resolution of the Government of India in the Home Department (Public), No. 637-22—639, dated 16th March 1888 :—

"Read—

Home Department Circular letter No. 4952—4960, dated 28th October 1869, requesting that, if orders had not already been issued prohibiting Uncovenanted as well as Covenanted servants of Government from borrowing money from Native residents in their districts, they should be promulgated.

"Read—

Home Department Circular letter No. 51—2361-68, dated 14th October 1887, to Local Governments and Administrations except Bengal and the North-Western Provinces, enquiring whether any orders had been issued prohibiting the borrowing of money by Covenanted Civil Servants from persons residing, possessing property or carrying on business within the districts to which such Civil Servants may be appointed.

"Read also the following letters :—

From the Government of Madras, No. 1540, dated the 17th November 1887, and enclosures.

From the Government of Bombay, No. 3901, dated 26th December 1887, and enclosure.

From the Government of the Punjab, No. 1929, dated 15th November 1887.

From the Chief Commissioner, Central Provinces, No. 5453—299, dated 1st November 1887, and enclosures.

From the Chief Commissioner of Burma, No. 409—333-N., dated 18th November 1887.

From the Chief Commissioner of Assam, No. 6540, dated 2nd November 1887.

From the Chief Commissioner of Coorg, No. 2070—2247, dated 7th November 1887.

From the Resident at Hyderabad, No. 481-G., dated 22nd November 1887, and enclosures.

RESOLUTION.

"From the replies to Home Department Circular of the 14th October 1887, it appears that there are no uniform executive orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, and as the Regulation VII of 1823 applies only to Covenanted Civil Servants and only to such officers when serving in certain portions of the Bengal Presidency, the Governor General in Council considers it desirable that definite instructions should now issue with the object of making the liability in this matter of all officers holding Civil appointments the same throughout India. The Governor General in Council is accordingly pleased to direct that the following rules shall be strictly observed in future:—

1. All Covenanted Civil Servants, Statutory Civilians, Uncovenanted officers who hold gazetted appointments and Military officers in Civil employ are prohibited, under pain of dismissal, from taking loans from, or otherwise placing themselves under pecuniary obligations to, persons subject to the official authority or influence of such Government officers, or residing, possessing property or carrying on business within the local limits for which such Government officers are appointed.

2. This prohibition does not extend to transactions in the ordinary course of business with joint stock banks and British firms.

ORDER.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations, for information and guidance, and that a copy be forwarded to all Departments of the Government of India for information."

RESOLUTION.—To be communicated to all members of the Covenanted Civil Service for information and guidance.

2. Copies should also be communicated to all Departments of the Secretariat and to all Heads of Offices subordinate to them.

Vide Government Resolution No. 3566, dated 2nd July 1897.

"3. Any such officer, as is referred to in Rule I, who is appointed or transferred to a post in which he will be in a position to exercise official influence or authority over any person to whom he is under any pecuniary obligation, or to a post with local jurisdiction within the limits of which any person to whom he is under any pecuniary obligation resides, possesses property or carries on business, shall be bound to declare, without delay, the circumstance to the officer to whom he is immediately subordinate for report to the Government, and failing to do so shall be subject to the same penalty as if the obligation were incurred after his appointment or transfer."

Rules regulating the conduct of Public Servants.

No. 502.

GENERAL DEPARTMENT.

Bombay Castle, 31st January 1890.

Resolution of the Government of India, Home Department (Public), No. 2-R.—87-103, dated 16th January 1890:—

"Read—

Home Department Resolution No. 11—426-437, dated the 17th March 1882.

RESOLUTION.

"Section 2 of Regulation XXXVIII of 1793 prohibits Covenanted Civil Servants from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent tálukdár or under-farmer, or rayat, or their sureties; and by Home Department Resolution of 17th March 1882, read in the preamble, this prohibition has been extended to natives of India appointed to an office ordinarily reserved for members of the Covenanted Civil Service under the provisions of 33 Vict., Cap. III, Section 6.

"2. Instances have recently been brought to the notice of the Government of India in which uncovenanted gazetted officers of Government have lent large sums of money at various, and sometimes very high, rates of interest, to landholders of the province, and even of the district in which they are serving. It appears to the Governor General in Council very desirable that this practice should be discontinued at once. His Excellency in Council is accordingly pleased to direct that the existing rules on the subject, which apply to Covenanted Civil Servants and members of the Statutory Civil Service, shall be extended to all uncovenanted officers in the subordinate executive and judicial services of the Government. Such officers are hereby prohibited from lending money at interest, whether directly or through relatives or other agents to landholders, with or without security, within the province in which they are employed."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to the Commissioners of Divisions, the Commissioner in Sind, all Collectors including the Collectors and Deputy Commissioners in Sind and the Accountant General for information and guidance in continuation of Government Resolution No. 3000, dated 7th August 1882.

2. Copies should also be forwarded to all Departments of the Secretariat and all other Heads of Offices subordinate to them for information and guidance.

Borrowing of money by Covenanted and Uncovenanted Civil Servants: Orders regarding the —.

No. 2468.

GENERAL DEPARTMENT.

Bombay Castle, 19th July 1892.

Memorandum from the Government of India, Home Department (Public), No. 12-Pub.—1557, dated 31st May 1892—Forwarding for information and guidance copy of the following letter No. 12-Pub.—1556 of the same date to the address of the Chief Secretary to the Government of Madras:—

"I am directed to acknowledge the receipt of your letter No. 193, dated the 24th March 1892, enquiring whether the orders contained in Home Department Resolution No. 22—637-53, dated the 16th March 1888, prohibiting public officers, under pain of dismissal, from taking loans from persons subject to their official authority or influence should be regarded as cancelling the orders marginally noted, and whether Uncovenanted officers holding non-gazetted appointments are permitted to borrow money from their subordinates.

Home Department Circular Nos. 4952—CO, dated 28th October 1869.
Home Department letter No. 1899, dated 25th April 1872.

"2. In reply I am to say that the orders contained in the Resolution of 16th March 1888 had reference to gazetted officers only and were not intended to cancel the orders of the 28th October 1869 and the 25th April 1872, which apply to Uncovenanted non-gazetted officers. I am to explain that the difference between the orders of the 16th March 1888, affecting gazetted officers, and those in the Circular of the 28th October 1869 and 25th April 1872, affecting non-gazetted officers, is that in the former case the prohibition is absolute, while in the latter it may be relaxed in exceptional cases at the discretion of the Head of the Office (subject to the control of the Local Government) as explained in paragraph 3 of Home Department letter No. 1899 of the 25th April 1872."

RESOLUTION.—Copies of the letter from the Government of India together with copies of the orders* of 1869 and 1872 referred to therein, should be communicated to all Departments of the Secretariat and all Heads of Offices subordinate to them for information and guidance.

* Letter from the Government of India, Home Department (Public), No. 4953, dated 28th October 1869, and accompaniment.
Memorandum from the Government of India, Home Department (Public), No. 1901, dated 25th April 1872, and accompaniment.

No. 4953.

FROM

E. C. BAYLEY, ESQ.,
Secretary to the Government of India;

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

Home Department.
Public.

Simla, the 28th October 1869.

SIR,

It having been brought to the notice of His Excellency the Governor General in Council that it is not sufficiently well understood that Uncovenanted as well as Covenanted servants of Government are not to be permitted to borrow money from Natives, resident in the district in which they may be employed, I am directed to draw the attention of His Excellency the Governor in Council to the point, and to request that, if orders have not already been issued on the subject, they may now be promulgated in the sense of those of the Honourable the Vice-President in Council, No. 1372, dated 14th July 1834, a copy of which is herewith forwarded for facility of reference.

I have the honour to be,
Sir,
Your most obedient Servant,
E. C. BAYLEY,
Secretary to the Government of India.

No 1372, dated the 14th July 1834.

ORDERS BY THE HONOURABLE THE VICE-PRESIDENT IN COUNCIL, JUDICIAL AND REVENUE DEPARTMENT.

The Principal Sadar Amins and Munsiffs, and the Deputy Collectors appointed under the provisions of Regulation IX of 1833, are hereby prohibited, under pain of dismissal from office, from employing or retaining on their establishment any person being their private creditor, or any relative dependent or surety of such creditor; and from borrowing money from, or in any way incurring debt to, any zamindar, tálukdár, ryot, or other person possessing real property, or residing in, or having a commercial establishment within, the city, district, or division to which their authority may extend.

If any of the Principal Sadar Amins or other of the officers above mentioned, who may be now in debt, shall, at the expiration of one year from the publication of this order, be still indebted to any person from whom it would, at such period, be illegal for him to borrow under the above rule, it shall be incumbent on such officer to make known the circumstances to the Zilla or City Judge, or to the Collector to whom he may be subordinate, for communication to the Government, if the officer be a Principal Sadar Amin, Sadar Amin, or Deputy Collector, and to the Sadar Diwani Adawlat, if the officer be a Munsiff; and in the event of intimation not being so given, the same penalty shall attach to the said officer as if the debt had been incurred subsequently to the publication of this order.

B 1423—26

In like manner, if any person who may be a candidate for the office of Principal Sadar Amin, Sadar Amin, Munsiff, or Deputy Collector shall, at the time of applying for such office, be indebted to any person with whom it would be illegal for him to contract a loan while holding it, it shall be incumbent on such person, in preferring his application, to make known the circumstance to the Judge of the city or district, or to the Collector, for communication to superior authority, as before stated; and failing to do so, he shall, in the event of his being appointed to the said office, be subject to the same penalty as if the debt had been contracted subsequently to his appointment.

No. 1899.

FROM

E. C. BAYLEY, ESQ., C.S.I.,
Secretary to the Government of India;

TO

THE CHIEF COMMISSIONER OF OUDH.

Home Department.
Public.

Fort William, the 25th April 1872.

SIR,

I am directed to acknowledge the receipt of your letter No. 3980, dated the 28th August last, on the subject of the ruling by which Uncovenanted officers are prohibited from borrowing money from natives of the districts in which they are employed, and in reply to state as follows.

2. What the Government of India intended in the orders of the 28th October 1869 by the words "Uncovenanted Officers" was generally all officers to whom the Uncovenanted Service Leave and Pension Rules are applicable, including members of ministerial establishments. And such a definition is no doubt better than the one suggested in paragraph 3 of your letter, viz., officers whose names appear in the Oudh Civil List. Such a limit would exclude from the operation of the rule many Uncovenanted officers whom it is expedient to subject to it. That subordinate officers employed in the Revenue Settlement should consider themselves exempt from the general prohibition would be anomalous and possibly mischievous.

3. It is so difficult to fix a limit, including some and excluding others of the Uncovenanted class, that the Governor General in Council considers it right to maintain the rule as applicable to all to whom the Uncovenanted Pension and Leave Regulations apply. But it should be clearly understood that this will not interfere with the discretion of the Head of an Office in allowing his subordinate ministerial officers to borrow in exceptional circumstances from persons with whom transactions would under the rule be ordinarily inadmissible.

I have the honour to be,
Sir,
Your most obedient Servant,

E. C. BAYLEY,
Secretary to the Government of India.

No. 1901.

Copy of the correspondence forwarded to the Government of Bombay for information in continuation of letter No. 4953, dated the 28th October 1869.

E. C. BAYLEY,
Secretary to the Government of India.

Government Officers: Pecuniary relations of—with persons who are subject to their authority.

No. 4906.

GENERAL DEPARTMENT.

Bombay Castle, 4th November 1896.

Letter from the Government of India, Home Department (Public), No. 32-PUBLIC—1556, dated the 9th October 1896:—

"In continuation of Home Department Resolution No. 22-Public—637-53, dated the 16th March 1888, on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, I am directed to forward for the information of His Excellency the Governor in Council a copy of a letter,* addressed to the Government of the North-Western Provinces and Oudh, which contains further orders of the Government of India in the matter."

* No. 32 Public—1541 of this date.

RESOLUTION.—Copies of the letter from the Government of India and of its accompaniment should be forwarded for information and guidance to all Departments of the Secretariat and all Heads of Offices subordinate to them, in continuation of Government Resolution No. 1154, dated the 14th April 1888.

No. $\frac{\text{32-PUBLIC}}{1541}$.

FROM

H. J. S. COTTON, ESQ., C.S.I.,
Officiating Secretary to the Government of India;

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF THE NORTH-WESTERN PROVINCES AND OUDH.

Home Department.
Public.

Simla, the 9th October 1896.

SIR,

I am directed to acknowledge the receipt of your letter No. 2700, dated the 28th August 1896, submitting for the consideration of the Government of India a proposal that the Home Department Resolution No. $\frac{\text{22-Public}}{637-53}$, dated the 16th March 1888, containing orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, should be amended in order to place Native public servants under the same obligation to disclose their indebtedness in districts to which they may be under orders of transfer, as is imposed on Covenanted servants by Section 6 of Bengal Regulation VII of 1823; and also suggesting that no distinction should be made, so far as the orders of 1888 are concerned, between the taking of loans and excessive indebtedness to tradesmen.

2. In reply I am to say that the Government of India entirely agree with the opinion expressed by His Honour the Lieutenant-Governor and Chief Commissioner that it should be obligatory on Native public servants to disclose to Government their indebtedness to individuals resident in districts to which they may be under orders of transfer. Although Section 6 of Bengal Regulation VII of 1823, which contains directions in the matter, is only applicable to Covenanted servants of Government, the principle is one which should be extended to Native officers also, and this indeed is implied in the Home Department Resolution of the 16th March 1888. The Governor General in Council would therefore approve of orders being issued by the Government of the North-Western Provinces and Oudh, if it should consider it desirable to do so, laying down distinctly the responsibility of officers other than members of the Indian Civil Service in this respect. At the same time, His Excellency in Council does not consider it necessary to amend the Resolution of the Government of India, which is drafted in general terms, and was never intended to preclude the issue of supplementary instructions by a Local Government.

3. The question raised in regard to trade debts involves more difficult considerations, and the Government of India have no desire to limit the discretion which, they think, is rightly left to Local Governments in dealing with particular cases. It is the degree of indebtedness, as pointed out by His Honour the Lieutenant-Governor and Chief Commissioner, which would indicate the desirability of interference in any case, but the character of such interference and the measures called for on the part of Government either to restrain individual officers or to avert a public scandal, are matters for determination with reference to the circumstances of each particular case. The Governor General in Council, while agreeing with His Honour that "excessive indebtedness" is a very serious disqualification for Government service, considers that it would be impossible to frame a precise definition of that expression applicable to all cases, and that it is not advisable to lay down a general rule that such indebtedness shall be punishable by dismissal from the service of Government.

I have the honour to be,

Sir,

Your most obedient Servant,

H. J. S. COTTON,

Officiating Secretary to the Government of India.

Government Officers: Pecuniary relations of — with persons who are subject to their authority.

No. 3566.

GENERAL DEPARTMENT.

Bombay Castle, 2nd July 1897.

Resolution of the Government of India, Home Department (Public), No. 1032—49, dated the 9th June 1897:—

"Read again—

Home Department Resolution No. 22—637-653, dated the 16th March 1888.

Letter to the Government of the North-Western Provinces and Oudh, No. 32-PUBLIC—1541, dated 9th October 1896, with endorsements to the other Local Governments and Administrations (except Madras and Bombay) and letters to the Governments of Madras and Bombay and the Registrar of the High Court, Calcutta, of the same date.

Read also—

Letter from the Government of the North-Western Provinces and Oudh, No. 21, dated the 7th January 1897.

Letter to the Government of the North-Western Provinces and Oudh, No. 194, dated the 19th February 1897.

Letter from the Government of the North-Western Provinces and Oudh, No. 298, dated the 20th March 1897.

RESOLUTION.

It has been brought to the notice of the Government of India that Home Department Resolution No. 22—637-653, dated the 16th March 1888, conveying orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, makes no provision, such as is contained in Section 6 of Regulation VII of 1823, for the case of pre-existing indebtedness on the part of Civil officers to individuals resident in districts to which they may be posted. The Governor General in Council considers such a provision desirable, and is accordingly pleased to direct that the following rule shall be added to the rules laid down in the Resolution quoted above:—

'3. Any such officer, as is referred to in Rule I, who is appointed or transferred to a post in which he will be in a position to exercise official influence or authority over any person to whom he is under any pecuniary obligation, or to a post with local jurisdiction within the limits of which any person to whom he is under any pecuniary obligation resides, possesses property or carries on business, shall be bound to declare, without delay, the circumstance to the officer to whom he is immediately subordinate for report to the Government, and failing to do so shall be subject to the same penalty as if the obligation were incurred after his appointment or transfer.'

ORDER.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations for information and guidance, and to the Registrar of the High Court, Calcutta, for information, and that a copy be also forwarded to all Departments of the Government of India for information."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded for information and guidance to all Departments of the Secretariat and all Heads of Offices subordinate to them with reference to Government Resolutions No. 1154, dated 14th April 1888, and No. 4906, dated 4th November 1896.

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(59)

Moneys, &c., held by Government servants in their official capacity must be deposited in the Government Treasuries.

No. 1196.

GENERAL DEPARTMENT.

Extract from the Proceedings of the Government of Bombay in the Financial Department, dated 15th April 1874 :—

Read the following Resolution of the Government of India, Financial Department, No. 2124, dated 31st March 1874 :—

"Read the following :—

Financial Resolution dated Fort William, the 10th December 1861.

From correspondence that has lately passed between the Foreign Department and the Agent, Governor General for the States of Rajputana, it appears that for upwards of a quarter of a century, a fund called the 'Batta Fund' has been in existence in the Mahirwara District, the money belonging to which remained in the hands of the Treasurer of the Deputy Commissioner of that district, without being exhibited in any shape whatever in the public accounts. To prevent such irregular proceedings, His Excellency the Governor General of India in Council directs all officers of Government to bear in mind that all transactions to which they in their official character are parties must, in future, without any reservation, be brought to account, and all moneys be deposited in the Government treasuries.

ORDERED, that a copy of the above be forwarded for information and guidance as follows :—

To the several Departments of the Government of India.

To the several Local Governments and Administrations.

To the Comptroller General, and to the several Accountants General and Deputy Accountants General in independent charge.

To the several chiefs of Departments administered by the Government of India in the Financial Department.

R. H. HOLLINGBERY

Assistant Secretary to the Government of India."

RESOLUTION.—Copies to be forwarded to all Departments of the Secretariat and to the Heads of Offices under the several Civil Departments of the Secretariat for information and guidance.

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II.—C. W. Water Supply—
Payment of fee to members of the Committee on the water supply of Bombay.

LOCAL.

No. 97 C. W.—367 of 1874.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 10th September 1874.

Letter from the Acting Municipal Commissioner for the City of Bombay, No. 4403, dated 24th August 1874.—States that at the last meeting of the Town Council he placed before the members the memorandum, copy of which is attached, relative to the fees to be tendered to Colonel Fife, Mr. Ormiston, and Mr. Bell, for their report on the water supply of Bombay; that memorandum states that Colonel Fife had intimated to the Municipal Commissioner, on seeing the proceedings of the Town Council in the daily papers, that when his services were applied for from Government, it was on the understanding that he was precluded from receiving remuneration; also that the Honourable Colonel Kennedy had informed the Municipal Commissioner that there was a standing order of the Government of India to the effect that the officers of Her Majesty's Service were precluded from receiving any remuneration for private practice.

Letter from the Municipal Commissioner for the City of Bombay, No. 4405, dated 24th August 1874.—Brings to notice the circumstances under which a fee of Rs. 500 was about to be paid to Mr. Ormiston for his report on the Tulsi scheme, and its being withheld on receipt of a demi-official letter from the Honourable Colonel Kennedy, informing him that Mr. Ormiston being, in 1871, in the employment of Government in the Public Works Department, was precluded from taking any fees for private work done at that time; states that he communicated this demi-official letter to Mr. Ormiston, whose reply is appended; and requests to be informed whether Government have any objection to his paying to Mr. Ormiston's bankers the cheque of Rs. 500 which has already been drawn and signed.

Read again the following Government Resolution No. 62-E—238, dated 26th January 1869:—

"Endorsement from the Government of India, No. 1749-E., dated 4th December 1868.—Forwards, for information, copy of the following Despatch from the Secretary of State for India, objecting to remuneration from private persons, or public bodies, being accepted by members of the Department, except in special cases, under the sanction of the Government of India.

No. 87, dated 14th October 1868.

From—The Secretary of State for India;

To—The Government of India.

'I have received Your Excellency's Despatch, dated July 27th (No. 108), 1868, in continuation of previous correspondence on the subject of officers in the service receiving fees and commissions with the approval of the Bombay Government.

'2. No officer in the public service should be allowed to receive fees, except under the special previous sanction of Your Excellency's Government, and an enforcement of this rule will, I trust, prevent the recurrence of such cases as those of Colonel * * * * and Captain * * * *. It is very desirable that the views of the Supreme Government should be made known as a guide to Local Administrations in dealing with claims of this nature in future.

'3. I fully concur in the view that has been taken by your Government of the three particular cases that have come under their notice, and am of opinion that the practice of allowing officers to receive fees and commissions, except under very exceptional circumstances, would be detrimental to the public service.'

RESOLUTION.—To be communicated to the Departments generally."

RESOLUTION.—Government are not disposed to relax the rule and consider that Colonel Fife has shown a most proper appreciation of its spirit.

2. The case of Mr. Ormiston is, to a certain degree, different. He cannot be regarded as an officer strictly belonging to the public service, although he has, for some years, been receiving an extremely high salary from public funds for the performance of very light duties.

3. But it appears that on the 26th July 1870 the Government of Bombay increased Mr. Ormiston's salary from Rs. 3,000 a month, at which it had been fixed in June preceding, to Rs. 3,500 because he represented that he would be obliged to relinquish his private practice. He has since continued to draw salary accordingly, and His Excellency in Council cannot give any countenance to the payment now proposed to be made to him.

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(61)

Government Servants : Rules regarding the attitude to be maintained by Government servants towards political or quasi-political movements.

No. 1461.

GENERAL DEPARTMENT.

Bombay Castle, 15th April 1890.

Letter from the Government of India, Home Department, Public, No. 11—680, dated 18th March 1890 :—

"I am directed to say that the Governor General in Council has had under consideration the attitude which should be maintained by officers in the service of Government towards political or quasi-political movements with which they may be brought in contact. Servants of Government have not the same liberty of action as private individuals, and are bound to hold themselves aloof from many movements which are perfectly legitimate in themselves and which private persons are free to promote. Their participation in such movements is open to objection, because their connection with them is likely to create, and even to be appealed to for the purpose of creating, a false impression in the minds of ignorant persons that such movements have the countenance of Government, and because their influence with the community at large is liable to be impaired by their identifying themselves with the class by which the movement is promoted.

"2. For these reasons His Excellency in Council desires that the following rules may be observed by all Government servants :—

(*a*) As a general rule no officer of Government should attend at a political meeting where the fact of his presence is likely to be misconstrued or to impair his usefulness as an official.

(*b*) No officer of Government may take part in the proceedings of a political meeting, or in organizing or promoting a political meeting or agitation.

(*c*) If in any case an officer is in doubt whether any action which he proposes to take would contravene the terms of this order, the matter should be referred to the Head of the Department or District, and if necessary to the Local Government or Administration."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices under those Departments for information and guidance.

Government Servants: Public criticism of Government policy by Government servants.

No. 527.

GENERAL DEPARTMENT.

Bombay Castle, 3rd February 1899.

Letter from the Government of India, Home Department (Public), No. 2301, dated the 16th November 1898.

Memorandum from the Government of India, Home Department (Public), No. 2326, dated the 16th November 1898.—Forwarding the following addendum to the Pamphlet (second edition) containing the Rules and Orders of the Governor General in Council regulating the conduct of public servants in respect of borrowing money, &c., circulated in 1891 (*vide* Home Department endorsement No. $\frac{9\text{-Public}}{589-603}$, dated the 23rd March 1891.

"*Insert the following at page* 19 *of the Pamphlet after the entry No.* 12 :—

No. 144 (Public), dated the 6th October 1898.

From—The Right Honourable Lord GEORGE FRANCIS HAMILTON, Her Majesty's Secretary of State for India;

To—His Excellency the Right Honourable the Governor General of India in Council.

I have received your letter of the 14th July, with enclosures, relating to a speech delivered by Mr. A. B.

2. It appears that Mr. A. B. made what is said to have conveyed the impression of being 'an attack of a deliberate and somewhat violent character on the policy and proceedings of the Government.'

3. It is not surprising that this action on the part of Mr. A. B. should at once have attracted the serious notice of his official superiors, or that he should have found it necessary, within eight days of the delivery of the speech, to express his deep regret for his conduct. This apology your Government thought well to accept, and your acceptance was communicated to him.

4. In these circumstances I have no intention of commenting on this particular incident, so far as it affects Mr. A. B. individually. But I think it right, while fully recognizing that every officer is entitled to form and to hold his own opinion on public matters, to record my entire agreement with the Lieutenant-Governor's statement of the rules which must govern the conduct of Government servants in India. It should be distinctly understood that (to use his words) 'a member of the Government service is not at liberty to make an attack upon what he knows or believes to be the policy or procedure deliberately approved by the Government,' and that 'it is no justification of such attack that he is actuated by conscientious motives or has a strong conviction of the correctness of his own judgment.' I will add, further, that it is improper for an officer to convey to the public, whether in writing or in a speech or otherwise, any opinion upon matters of Government policy which are, or are likely to become, the subject of public discussion. It is, of course, inevitable that cases must from time to time occur in which the decisions of Government do not commend themselves to the officers who may have to carry them out. On such occasion the officers in question, after making proper representations to their official superiors, have only two courses open to them, namely, either to acquiesce loyally and silently in the decision of the responsible authorities, or to resign their positions in the service.

5. I am glad to have had of late more than one opportunity of stating publicly my high appreciation of the loyalty and self-devotion of the Indian Civil Service. Those qualities have never been more conspicuous than during recent years of difficult and anxious labour. But a clear understanding that the rules to which I have referred are in existence, and will be strictly enforced, can only tend to increase the efficiency of that service; and I request that Your Excellency will take such steps as may seem to you advisable to make my views generally known, and to ensure that improprieties, such as that which you have on this occasion thought fit to condone, shall not be repeated in future."

RESOLUTION.—Copies of the Addendum should be forwarded to all Departments of the Secretariat and all Heads of Offices for information and communication to their subordinates.

No. 425 OF 1873.

JUDICIAL DEPARTMENT.

Bombay Castle, 25th January 1873.

Read the following :—

"No. 121.

Extract from the Proceedings of the Government of India in the Home Department (Judicial), under date Fort William, the 16th January 1873.

Read—

A letter from the Government of Bengal No. 7032, dated the 27th ultimo, with enclosures.

RESOLUTION.

This letter gives cover to a memorial from Mr. C. D. Linton, appealing against the orders of the Lieutenant-Governor of Bengal, under which he has been removed from his appointment as Judge of the Small Cause Court at Dacca.

2. Mr. Linton's case is summarized in the Resolution of the Government of Bengal, dated 18th June last.

3. From the papers submitted, it is proved beyond all doubt that one Abbas Ali, a private servant whom Mr. Linton brought to Dacca from Chooadangah and Jessore, and in a minor degree others who followed Mr. Linton to Dacca, adopted such a demeanour and acted in such a way as to create a general impression that they possessed and exercised great influence with Mr. Linton in his dealings with his subordinate officials. This led to sums of money being paid to Mr. Linton's private servants as bribes by Court peons and even by the Omlah and such officials as the Head Clerk.

4. The Governor General in Council is aware that it is unfortunately no uncommon thing, as urged by Mr. Linton, for a clever and favoured servant to acquire such a reputation; in many cases without the slighest suspicion on the part of the master as to what is going on. The question in this case is whether Mr. Linton, either by tacit acquiescence or culpable neglect, has rendered himself deserving of punishment.

5. From the manner in which Abbas Ali and the other servants habitually domineered over Mr. Linton's official subordinates and the barefaced way in which they appear to have exercised their influence in certain cases, it is difficult to come to any other conclusion than that they acted in full assurance that their position with their master was strong enough to withstand any attacks in the shape of complaints against them.

6. Without going to the length of an assertion that Mr. Linton was cognizant of the payment of money to Abbas Ali, the Governor General in Council cannot resist the conclusion that Mr. Linton approved of his private servants taking up a position with regard to his subordinate officials which obviously and notoriously is incompatible in this country with the pure administration of a public office.

7. Further, in defiance of a well-known order, Mr. Linton employed his Court peons to purchase fowls for him, and as a natural result, they were purchased at unfairly low prices, and Mr. Linton used his official authority to force the peons to bring them in at the price which he chose to name.

8. Mr. Linton's official character has frequently formed the subject of censure and reproof; and, taking all these circumstances into consideration, the Governor General in Council does not feel justified in interfering with the orders of the Lieutenant-Governor against which Mr. Linton's present appeal is preferred.

9. His Excellency in Council takes the opportunity afforded by Mr. Linton's plea, that it is no unusual thing to employ peons in procuring bazar supplies, to direct that the Government of Bengal will impress emphatically on all public officers that the employment of public servants in making purchases, or in any private matter in which the receipt or expenditure of money is concerned, is most strictly prohibited, and that every breach of this order which is brought to the notice of Government will be severely dealt with.

B 1423—30—

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Government of Bengal for information and guidance, and for communication to Mr. Linton.

(True Extract.)

(Signed) H. WELLESLEY,
Officiating Under Secretary to the
Government of India.

No. 124.

Copy forwarded to all Local Governments and Administrations for information.

(Signed) H. WELLESLEY,
Officiating Under Secretary to the
Government of India."

RESOLUTION.—Copies should be forwarded to all Heads of Offices in the udicial Department, and to the several Departments of the Secretariat.

No. 3126 OF 1873.

JUDICIAL DEPARTMENT.

Bombay Castle, 5th June 1873.

Read the following:—

"No. 895.

Extract from the Proceedings of the Government of India in the Home Department (Judicial), under date Simla, the 22nd May 1873.

Read again—

Resolution No. 121, dated the 16th January 1873, prohibiting public officers to employ public servants in making purchases, or in any private matter involving the receipt or expenditure of money.

Read also—

Letter from the Government of Bombay, No. 1907—96 R., dated 3rd April, on the subject of the above Resolution, representing that strict compliance with the orders which it contains might derange the administration of public affairs.

RESOLUTION.

The Resolution of the 16th January should be read with its context and with advertence to preceding comments upon the facts elicited in the particular case upon which the order was passed.

It is not intended that the prohibition contained in the last paragraph of the Resolution above cited should preclude officers from employing public servants to procure for them conveyance or necessary supplies while they are travelling upon duty, though in all such transactions constant vigilance is needed to prevent cheating and extortion. But a recent case had compelled the Government of India to repeat with emphasis the standing order against employing public servants in any private business, more especially on any private bargain or money matter. His Excellency in Council believes that the distinction is patent, and that the wording of the Resolution thus interpreted cannot in practice interfere with administrative exigencies.

No. 897.

ORDERED, that a copy of this Resolution be forwarded to all the Local Governments and Administrations for information.

(True Extract.)

T. PLOWDEN,
Offg. Under Secretary to the Government of India."

RESOLUTION.—Copies should be forwarded to all Heads of Offices in the Judicial Department, and to the several Departments of the Secretariat, in continuation of Government Resolution No. 425, dated 25th January 1873.

No. 16.

EDUCATIONAL DEPARTMENT.

Bombay Castle, 8th January 1873.

Letter from the Acting Remembrancer of Legal Affairs, No. 154, dated 16th December 1872—Submitting, as requested in Government letter No. 1409, dated 14th instant, his opinion in the case of Ramchander bin Rupram *vs.* the Director of Public Instruction, &c.

RESOLUTION.—On this report of the Legal Remembrancer, His Excellency in Council is of opinion that the decision of the Assistant Judge should be acquiesced in and that no appeal should be preferred against it. The Director of Public Instruction and the Collector of Poona should see that the necessary steps are taken for giving effect to the decree.

2. The Collector of Poona should also report whether any useful end is likely to be attained by proceeding against the vendor Luxmibai for damages. If she be, as is supposed, a pauper, no advantage would result from the institution of further legal proceedings.

3. His Excellency in Council would express his dissatisfaction at the carelessness exhibited by Mr. Owans, C. S., when First Assistant Collector of Poona, and of Ráo Sáheb Narayan Bhai, Principal, Poona Training College, in arranging for the purchase of this house on behalf of Government without any proper investigation of the vendor's title.

4. The result of the action against Government in this case shows the necessity for more than ordinary caution on the part of public officers when making purchases of property on behalf of Government, and it will be necessary in future to enforce personal responsibility in all cases in which there has been a want of reasonable care in such transactions.

Sales by Public Officers.

No. 3358.

GENERAL DEPARTMENT.

Bombay Castle, 8th October 1881.

Memorandum from the Government of India, Home Department (Public), No. 44—1445, dated 23rd September 1881—Forwarding copy of the following Notification, No. 1437, of the same date:—

"The following Resolution of the Foreign Department containing rules regarding the sale of property to Natives by British officers, whether Civil, Military or Uncovenanted, is republished for general information:—

Extract from the Proceedings of the Government of India in the Foreign Department, No. 1667, *dated* 30*th September* 1868.

RESOLUTION.

His Excellency the Viceroy and Governor General in Council observes that these references originated with a case which occurred at Allahabad, where an officer wished to part with his house to a Native, under circumstances not open to

any suspicion, and with a remark from the Home Department to the effect that some change or relaxation of the rule which prohibits the sale of property to Natives by public servants under any circumstances seemed desirable. At present, under the Notification of the 3rd of December 1858, drawn up in consequence of the orders of the late Court of Directors, sales of property to Natives are strictly prohibited and officers are thereby directed to refer all transactions in regard to which they have any doubts for the orders of superior authority.

2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject is decidedly in favour of some modification of the existing rule, or at least of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honour and integrity of its civil and military services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except Natives of wealth or substance. When such transactions openly and avowedly take place, no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have therefore been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions, Civil, Military and Uncovenanted:—

I.—Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any Native within his jurisdiction, or within the limits of the district in which he is employed on the public service, and from which he is not about to remove, he must report his intention to the Local Government to which he is subordinate, stating the facts and circumstances and the price offered for the article to be sold. The Local Government will then pass such orders on the reference as may seem fit and proper.

II.—Whenever a public servant is about to quit his station or district permanently or for a considerable period, and wishes to dispose of his house, bungalow, elephant, carriages and horses and the like property of value, to Native purchasers, he shall report his intention to the Commissioner or the head local authority to which he may be immediately subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstances to the Local Government for further orders.

III.—Whenever a public servant, on quitting his station or district, wishes to dispose of his furniture, household goods, live-stock, &c., he is at full liberty to do so either by circulating lists of such property amongst the community generally, or by having the same put up to public auction, without reference to any authority whatever. All that is necessary is that the transaction should be open and patent to everybody on the spot.

IV.—Rule No. I is to be considered applicable to purchasers equally with sales.

5. The observance of the above rules will, His Excellency in Council thinks fully meet the inconveniences and exigencies to which gentlemen of acknowledged honour and probity would be put on many occasions if debarred from such transactions; while, at the same time, they will be a sufficient safeguard against any abuse, any imputation of unfair or interested dealings, or any possibility of misconception on the part of the non-official community."

RESOLUTION.—The above Notification was republished from the *Gazette of India* in the *Bombay Government Gazette* of the 29th ultimo. Copies of it should be separately communicated to all Departments of the Secretariat and all Heads of Offices under the several Departments for information and guidance.

Presents.

No. 2271.

GENERAL DEPARTMENT.

Bombay Castle, 25th July 1876.

Memorandum from the Officiating Under Secretary to the Government of India, Home Department (Public), No. 1144, dated 13th July 1876 :—

"Circular No. 1299 G., dated Simla, the 20th June 1876.

From—T. H. THORNTON, Esq., D.C.L., Officiating Secretary to the Government of India, Foreign Department;

To—The Chief Commissioners, Mysore and Ajmere; Residents, Hyderabad, Nipal and Mandalay; Agents, Governor General, Central India, Rajputana and Baroda; Political Resident, Persian Gulf; Political Agents, Manipur and Turkish Arabia; Agent, Governor General, Ex-King of Oudh, and Superintendent of Political Pensions; and General Superintendent of Operations for the Suppression of Thuggee and Dacoity.

I am directed to forward, for your information and guidance and communication to your subordinates, the following summary of the existing law and rules regarding the acceptance by Government servants of presents from Native Chiefs and others :—

I.—The main provisions of the law on the subject are contained (see Appendix) in 13 George III, Chapter 63, Sections 23-24; 33 George III, Chapter 52, Sections 62-63; 3 and 4 William IV, Chapter 85, Section 76.

II.—The prohibition of the receipt of presents from Native Chiefs and others does not extend to the receipt of a few flowers or fruits, and articles of inappreciable value, although even such trifling presents should be discouraged.

III.—It does not extend to the exchange of presents between Governors, Lieutenant-Governors, Chief Commissioners, Agents to the Governor General or Political officers generally in their ceremonial intercourse with Native Chiefs, on which occasions the presents from the Chiefs are deposited in the Government Toshakhana, and return presents are given at the Government expense.

IV.—It does not apply to presents to Medical Officers made *bona fide* for services rendered.

V.—The general prohibition extends to all servants of Government, Native or European, Covenanted or Uncovenanted, in whatsoever Department they may be serving.

VI.—Where presents cannot absolutely be refused without giving offence, they must be delivered up to Government, and to this rule no exception whatsoever is permissible save with the express sanction of His Excellency the Governor General in Council, which will only be given under very special circumstances.

2. The Governor General in Council desires that the above rules may be strictly observed and no deviation therefrom permitted, except with the previous sanction of the Government of India.

No. 1300 G.

Copy forwarded to the Home Department for information and circulation to all Local Governments within British Territory.

[*Extract 13, Geo. III, Chap. 63, Sections 23 and 24.*]

The Governor General, Council, and Judges restricted from accepting any present.

XXIII.—And be it further enacted by the authority aforesaid, that no Governor General or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward * * * *.

No person holding a civil or military office under the Crown or Company shall accept any donation or gratuity.

XXIV.—And be it further enacted by the authority aforesaid, that from and after the first day of August one thousand seven hundred and seventy-four no person holding or exercising any civil or military office under the Crown, or the said United Company, in the East Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward * * * *.

[*Extract 33, Geo. III, Chap. 52, Sections 62 and 63.*]

Receiving gifts to be deemed a misdemeanour.

LXII.—And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said Company, or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanour at law, and shall be proceeded against and punished as such, under and by virtue of this Act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

The Court may order gifts to be restored, and fines to be given to the prosecutor.

LXIII.—Provided always, and be it further enacted, that the Court of Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

[*Extract 3 and 4, William IV, Chap. 85, Section 76.*]

Salaries of Governor General, &c., fixed, to be in lieu of all fees, &c.

LXXVI.—And be it enacted that there shall be paid to the several officers hereinafter named the several salaries set against the name of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; that is to say—

To the Governor General of India, two hundred and forty thousand sicca rupees;

To each ordinary Member of the Council of India, ninety-six thousand sicca rupees;

To each Governor of the Presidencies of Fort Saint George, Bombay, and Agra one hundred and twenty thousand sicca rupees;

To each Member of any Council to be appointed in any Presidency, sixty thousand sicca rupees;

and the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said salaries shall

be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be, and it is hereby declared to be, a misdemeanour for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatever, &c., &c."

Acceptance of gratuities a misdemeanour.

Passage-money fixed.

RESOLUTION.—To be communicated to all Departments and all Heads of Offices under the several Departments of the Secretariat for information and guidance.

Regulations as to the receipt of presents, supplies, transport, and free quarters from Native States by Political Officers and their subordinates.

CIRCULAR.

No. 2323.

POLITICAL DEPARTMENT.

Bombay Castle, 10th April 1891.

The Governor in Council has been recently considering whether any addition to the standing orders regarding the acceptance of presents by public servants is required. A summary of the law and rules laid down on the subject was published in Government Resolution No. 2271, General Department, dated the 25th of July 1876, circulated with Political Department Circular No. 5555, dated the 4th of September 1890. In the rules then published an exemption is made in favour of "the receipt of a few flowers or fruits and articles of inappreciable value, although even such trifling presents should be discouraged": and a Political officer of high standing has recently suggested that this exemption should be further limited to fruits or flowers locally grown, and a prohibition against the regular daily receipt of even such fruits inserted. On the whole, however, the Governor in Council is not disposed to alter the rule, but to recall attention to it and to the spirit which underlies it. The spirit of the orders of Government is to discourage the receipt of all presents, and only to permit the receipt of occasional offerings of fruit or flowers where such offerings cannot be rejected without causing offence. At the same time the Governor in Council thinks that the time has come, when every ruler of a Native State might be furnished with a copy of the orders of Government, and this Resolution may be given accordingly. A copy should also be furnished to every officer in the Political Department of this Government.

Prohibition of the receipt of presents.

2. The occasion may be suitably taken to call attention to other standing orders of a similar character. Government Circular No. 3336, dated the 31st of May 1873, repeated in Circular No. 5713, dated the 7th of September 1887, ordered Political officers to pay without fail for all supplies and transport furnished to them by Native States. Where an officer must depend on the assistance of the Darbar for his supplies, he must request the Darbar to appoint dealers from whom the articles required can be procured for proper payment. It is to be understood that grass, or fodder, or free supplies for the table of officers staying in State bungalows for however short a time are absolutely and expressly prohibited. In any case where a Political officer visits the capital of a Native State in the course of his tour he is bound to supply himself with all that he requires. In the case of rapid journeys occasionally undertaken for special service where the officer's own transport is obviously insufficient, and no hired transport can be obtained, the Darbar may occasionally lend a carriage. An absolute prohibition to use such means, where no other means are procurable,

Prohibition of receipt of supplies or transport.

might cause injury to the public service: but in future Government desire that, just as in the case of the sale of horses to a Darbar, the fact should be specially reported to them. The use of any Darbar carriage will thus be restricted to the rarest occasions and to the narrowest limits; and officers will under no circumstances be allowed to live in State bungalows at the cost of the Darbar for their supplies.

Prohibition in regard to furniture.

3. The furnishing of residences at the cost of Darbars was prohibited by Government Resolution No. 729, dated the 10th of February 1876. By Circular No. 5977, dated 16th September 1887, the subordinates of Political Agents are forbidden to receive free quarters, and all orders that apply to Political officers are now declared to have equal application to their subordinates. It is clear that in Native States where dharmsalas or other places for the convenience of the Agency servants are not available, permission when on tour to occupy other quarters need not be refused. What is required is to secure as far as possible the independence of British officers and their subordinates, and therefore every Political Agent must be personally held responsible that the spirit of these orders is duly observed. Government are confident that the rulers of Native States will not regard the enforcement of these orders as any act of discourtesy, but rather will consider it an act of necessary courtesy to Government to assist it in the execution of its declared policy, which is mainly devised in the interests of the Native States themselves.

Reiteration of the prohibition of the use of Darbar carriages by Political Officers.

Commission agents of Native States not to be recognised by Political Officers as having any status.

CIRCULAR.

No. 7552 of 1894.

POLITICAL DEPARTMENT.

Bombay Castle, 4th December 1894.

The attention of all Political Officers is invited to Circular No. 2323, dated the 10th April 1891, on the subject of the use by Government officials of Darbar carriages, &c. The Governor in Council has reason to believe that a practice is being introduced—if it has not become established—of the agents of Chiefs meeting Political Officers on their arrival in Bombay, with an offer from the Darbar they profess to represent of the use of a carriage. His Excellency in Council has no reason to believe that such offers have been as yet taken advantage of; but to prevent any chance of a misunderstanding on the subject, he desires to recall the attention of Political Officers to the orders conveyed in the above-quoted Circular, which should be held to apply throughout the Presidency, whether in Native States or British territory.

2. The Governor in Council also takes this opportunity of warning Political Officers that commission agents employed by Native States in Bombay have no status which Government can recognise, and that they should not be recognised as having any by Political Officers either inside or outside of Bombay City.

Presents: Acceptance of — by retired Government Officers.

No. 279.

GENERAL DEPARTMENT.

Bombay Castle, 22nd January 1889.

Memorandum from the Under Secretary to the Government of India, Home Department, Public, No. 43—3190-99, dated 15th December 1888—Forwarding for information copies of the following Despatch No. 109, Public, dated 11th October 1888, and its enclosures, from Her Majesty's Secretary of State for India :—

"I forward, for the information of Your Excellency in Council, copy of a letter* from Mr. W. S. Foster, late of the Madras Civil Service, asking whether there is any objection to his wife accepting certain presents from the Ráni of Pittápur, and of the reply† which I have caused to be sent to him."

* 27th August 1888.

† 4th October 1888.

Dated Belmont House, Hoddesdon, Herts, the 27th August 1888.

From—W. S. FOSTER, Esq., late Madras Civil Service;

To—Her Majesty's Under Secretary of State for India.

"I beg to inform you that my wife has received some things (shawls, ring, &c.) from the Ráni of Pittápur, in the Godávery District, Madras Presidency. I do not myself see the least objection to our receiving them, but, before doing so, I think it right to enquire whether I could be considered as acting contrary to the spirit of any rule of Government about receiving presents. I was for some years Collector of the Godávery District, during which time I knew the Rája well, and my wife also knew the Ráni.

"It will be three years in December since I retired from the Civil Service and left India for good. The things have come insured by the Parcel Post, and the declaration gives the value as Rs. 500 or £50. The Rája, I can most certainly say, has not sent these things from any other motive than pure kindness, and I should regret the necessity of being so discourteous to him as to decline to accept them: I had no previous intimation of his intention of sending them. I may mention that the Ráni has before sent my wife a small case of scents, and my wife has sent her a small present, probably about the same value. But the value of this present, though not of much account to the Rája, is far more than I should care to send in return. I should, therefore, be much obliged if you would kindly tell me whether there would be any objection on the part of Government to our receiving them."

J. & P. No. 1295, dated India Office, the 4th October 1888.

From—J. A. GODLEY, Esq., Her Majesty's Under Secretary of State for India;

To—W. S. FOSTER, Esq., late Madras Civil Service.

"I am directed to inform you that Viscount Cross has considered in Council your letter of the 27th ultimo, asking whether there is any objection to your wife accepting certain presents from the Ráni of Pittápur.

"Although strictly speaking the rules on this subject apply only to officers in the actual service of the Government, the Secretary of State in Council thinks that it is clearly objectionable that retired officers should receive presents. If such a practice were to be approved, it might obviously lead to the violation of the spirit, if not the letter, of the law and rules, and to aspersions on the character of public officers. While, therefore, Viscount Cross fully accepts your assurance, in respect of the present case and thanks you for having reported the circumstances to him, he would strongly advise that your wife should decline to accept this present."

RESOLUTION.—Copies of the papers should be forwarded to all Departments of the Secretariat and to all Heads of Offices under them for information.

B 1423—22

Government Officers: Connection of — with the Press.

GENERAL DEPARTMENT.

Bombay Castle, 26th July 1875.

The following Notification by the Government of India is republished for general information:—

"Public.

Simla, the 8th July 1875.

No. 19/1134.

Extract from the Proceedings of the Government of India in the Home Department.

Read:—

RESOLUTION.—Questions having recently arisen as to the extent to which officers in the service of Government are permitted to connect themselves with the Press, the Governor General in Council thinks it desirable that the existing orders on the subject should be clearly understood:—

I.—No officer in the service of Government is permitted, without the previous sanction in writing of the Government under which he immediately serves, to become the proprietor, either in whole or in part, of any newspaper or periodical publication.* Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such, for instance, as art, science or literature. The sanction will be liable to be withdrawn at the discretion of the Government.

II.—Officers in the service of Government are not prohibited from contributing to the public Press; but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may become possessed in their official capacity. These rules have been hitherto in most cases honourably observed. In case of a departure from them, or if the Government should consider the connection of any officer with the Press to be contrary to the public interests, his liberty to contribute will be withdrawn.

III.—The Government of India will decide, in case of doubt, whether any engagements of officers with the Press are consistent with the discharge of their duties to the Government.

IV.—Nothing in this Resolution is intended to relax the provisions of any regulations on this subject which now apply to the Army.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India*, and circulated to Local Governments and Administrations for information and guidance.

(Signed) ARTHUR HOWELL,

Officiating Secretary to the Government of India."

By order,

W. G. PEDDER,

Acting Secretary to Government.

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* After the word "publication" in the Notification of the Government of India occur the words "or to edit or manage any such newspaper or publication," which were inadvertently omitted from the Notification of the Bombay Government—*vide* Government Resolution No. 3193, dated the 4th September 1884, on page 91 *ante*.

No. 3952.

GENERAL DEPARTMENT.

Bombay Castle, 24th September 1889.

Letter from the Government of India, Home Department, Public, No. 1579, dated 31st August 1889—Forwarding a copy of their Resolution, No. 1569—75 of the same date, on the subject of the connection of Government officers with the Press; and requesting that this Government will consider the expediency of laying down a similar rule for observance in regard to officers serving in the Secretariat and its connected offices in the Bombay Presidency.

RESOLUTION.—No officer attached to any Secretariat of the Government of Bombay, or to any of its connected offices, shall in future become the accredited correspondent of any newspaper, without the permission in writing of the Chief Secretary to the Government of Bombay, General Department, as well as that of the Head of the Office in which he is serving.

No. 5318.

GENERAL DEPARTMENT.

Bombay Castle, 24th December 1889.

Letter from the Government of India, Home Department, Public, No. 38—2292, dated 4th December 1889:—

"In continuation of Home Department Circular letter No. 1578—1587, dated the 31st August last, I am directed to forward, for the information of His Excellency the Governor in Council, the accompanying copy* of an office memorandum explaining the intention of the orders contained in the Resolution of that date on the subject of the connection of Government officers with the Press."

* No. 2145—2150, dated 21st November 1889.

RESOLUTION.—Copies of the letter from the Government of India and accompaniment should be forwarded to the officers and Departments concerned for information, in continuation of Government Resolution No. 3952, dated 24th September 1889.

Nos. 2145—50.

GOVERNMENT OF INDIA.

Home Department.
Public.

OFFICE MEMORANDUM.

Calcutta, the 21st November 1889.

With reference to Home Department Resolution* No. 1569—1575, dated the 31st August 1889, the undersigned is directed to explain that the intention of the orders contained in that Resolution is that any clerk who was a correspondent of a newspaper before that date should be required to obtain the permission in writing of the Secretary to the Government of India in the Home Department to continue to correspond for that or any other newspaper.

* Communicated with this Department memorandum No. 1588—1593.

(Signed) J. P. HEWETT,
Under Secretary to the Government of India.

CIRCULAR.

No. 659 OF 1837.

GENERAL DEPARTMENT.

To

SIR,

It having been stated that Dafter Puja and idolatrous ceremonies are performed on the Diwáli and other Hindu festivals in the Government Offices, I am directed by the Right Honourable the Governor in Council to request you to state whether or not such practice exists, and if so, to order it to be discontinued in future.

Bombay Castle, 6th March 1837.

CIRCULAR.

No. 3056 OF 1837.

GENERAL DEPARTMENT.

To

SIR,

In extension of the Circular Orders dated the 6th of March 1837, I am desired to inform you that the Right Honourable the Governor in Council is pleased to direct that no public office of Government shall on any occasion be lent or used for the purpose of performing any rites or ceremonies of the Hindu, Mussalman, or other native religions in the same.

Bombay Castle, 7th November 1837.

NOTIFICATION.

GENERAL DEPARTMENT.

The Honourable the Governor-in-Council is pleased to resolve that no Public Office shall be used as a private residence, except with the permission of Government.

By order of the Honourable the Governor in Council,

W. ESCOMBE,
Secretary to Government.

Bombay Castle, 26th March 1844.

No. 299.

GENERAL DEPARTMENT.

Bombay Castle, 28th January 1882.

Memorandum from the Government of India, Home Department (Public), No. 1—61, dated 20th January 1882—Forwarding, in continuation of their endorsement Nos. 44—1438 to 1462, dated 23rd September last, copy of their following Notification No. 53, dated 20th January 1882:—

"In continuation of Home Department Notification No. 1437, dated the 23rd September 1881, republishing rules regarding the sale of property to Natives by Government officers, it is hereby notified for general information that the above rules are not applicable to *bonâ fide* transactions with regular dealers."

RESOLUTION.—Copies of the Government of India's Notification should be communicated to all Departments of the Secretariat and all Heads of Offices under the several Departments for information and guidance in continuation of Government Resolution No. 3358, dated 8th October last.

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(69)

Acceptance of pecuniary aid or subscriptions from Native Chiefs or officials of Native States by Government officers.

No. 3584.

GENERAL DEPARTMENT.

Bombay Castle, 31st August 1889.

Resolution of the Government of India in the Home Department (Public), No. 25—1437-1460, dated 14th August 1889:—

"Read—

Home Department Resolution No. 31—1217-42, dated the 11th July 1885.

RESOLUTION.

In the Resolution read in the preamble it has been laid down that no officer of Government shall ask or accept pecuniary aid or subscriptions from Native Chiefs or officials of Native States in pursuance of public objects, except with the previous sanction of the Local Government to which he may be subordinate.

2. An instance has recently come to the notice of the Government of India in which a public servant accepted a donation from a Native Chief towards a religious object in which he was specially interested. In the Resolution of 11th July 1885, applications for contributions to private or semi-public objects are not expressly condemned, but the objections upon which those orders are based apply with even greater force to such donations. The Governor General in Council is therefore pleased to extend the orders contained in Resolution No. 31—1217-42 (Public), dated 11th July 1885, to applications for or acceptance of assistance towards private or semi-public objects."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information and guidance in continuation of Government Resolution No. 2760, dated 24th July 1885.

B 1423—31

No. 2936 of 1890.

REVENUE DEPARTMENT.

Bombay Castle, 30th April 1890.

RESOLUTION OF GOVERNMENT.

It has been brought to the notice of Government that recently an officer holding the post of District Deputy Collector issued instructions to the officers subordinate to him directing them to collect subscriptions in their charges for what was termed a Land Improvement Fund to be named after His Royal Highness Prince Albert Victor of Wales. On representations made, steps were, however, promptly taken by this officer's superiors to prevent any action being adopted on the circulars sent out by him, and the matter was reported to Government for orders.

2. The Governor in Council would observe that, however excellent may have been the motives which influenced the officer in question, the line of conduct followed was injudicious and the excess of zeal displayed might easily have led to very undesirable results. It is obviously most inexpedient that official agency should be employed for the collection of subscriptions on behalf of any memorial or reception fund, or indeed of any object, without the express previous sanction of Government, which would only be accorded, if ever, in very rare and exceptional instances. Contributions in such circumstances would often practically cease to be voluntary, and grave abuses would be likely to arise.

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(71)

NOTIFICATION.

GENERAL DEPARTMENT.

The Honourable the Governor in Council having had under consideration the propriety of causing the cessation of public works on Sunday, has come to the resolution that this measure should be universally established with respect to all works carried on on account of Government, whether under the direction of its own officers, or through the agency of contractors, except in cases of urgent necessity in which delay would be productive of serious public inconvenience, and that in these, if their urgency does not admit of the previous sanction of Government being obtained, an immediate report of the circumstances should be made to Government through the Military Board.

It is therefore hereby notified that in all future contracts for the execution of public works the discontinuance of such works on Sunday shall be an understood condition, whether any express provision to that effect be introduced in the Deed of contract or not, and that no claim to deduction from the amount of the contract on this account shall be admitted in any contracts executed subsequent to the date of this Notification.

By order of the Honourable the Governor in Council,

R. K. PRINGLE,

Secretary to Government.

Bombay Castle, 26th January 1843.

NOTIFICATION.

It being considered proper and desirable under a Christian Government that the transaction of ordinary official business should be discontinued as far as practicable on Sundays, the Honourable the Governor in Council is pleased to direct that all the Honourable Company's Courts of Justice under this Presidency and all Revenue Offices, whether at the Presidency or in the interior, and whether presided over by European or Native Officers, shall be closed, and generally that all official business shall be suspended on that day except such as is of urgency, or of such a nature that its discontinuance would be obviously obstructive or detrimental to the public interests.

Bombay Castle, 13*th July* 1846.

CIRCULAR.

No. 2836 OF 1846.

REVENUE DEPARTMENT.

SIR,

I am directed by the Honourable the Governor in Council to transmit to you the accompanying copies of a Notification on the subject of the discontinuance of ordinary official business on Sundays, and to request that you will enjoin its strict observance in the Department under your control.

Bombay Castle, 13*th July* 1846.

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No. 634.

GENERAL DEPARTMENT.

Extract from the Proceedings of the Government of Bombay in the General Department, dated 12th March 1869.

"Read the following papers :—

Despatch from Her Majesty's Secretary of State for India to the Government of India, No. 34, dated 20th January 1869.

In a Financial Despatch from Sir C. Wood to your Government dated the 30th April 1864, No. 98, your attention was called to the needless expense incurred in sending by telegraph to England a weekly summary of news. In requesting that those summaries should be discontinued, Sir C. Wood stated that it was essential that, in regard to news of real importance, information should be sent at once by the most speedy means.

2. My attention has been called to the fact that telegrams have been received in this country within the last few days, conveying the important intelligence that heavy rains had fallen in the North-West Provinces to such an extent as to be calculated to allay, in some degree, the apprehensions of famine that were entertained.

3. Information of this nature should at once have been communicated to me by your Government by telegraph, and I have to request that you will take such steps as may be necessary for securing the regular transmission in future, by telegram, of any intelligence of great importance.

Memorandum from G. M. BATTEN, Esq., Under Secretary to the Government of India, No. 1292, dated 27th February 1869.

Ordered that a copy of the above be sent to the Foreign, Home, Military and Public Works Departments, and the Governments of Bombay and Madras, for information and guidance."

RESOLUTION.—Copies of this Despatch to be communicated to the several Departments of the Secretariat for guidance.

Ordered that copies of the above be forwarded to the Departments of the Secretariat.

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CIRCULAR.

No. 1910 OF 1856.

GENERAL DEPARTMENT.

To

ALL HEADS OF OFFICES.

SIR,

The Right Honourable the Governor in Council is pleased to rule that no Head of an Office shall offer an appointment to any employé in another office except through the channel of his immediate superior, and that if such superior can spare without inconvenience the person whose services may be applied for, he will communicate the offer to him, but not otherwise.

Bombay Castle, 16*th June* 1856.

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Transfer of Officers from one Department to another.

No. 270.

GENERAL DEPARTMENT.

Bombay Castle, 24th January 1888.

Resolution of the Government of India, Home Department (Public), No. 64—2752-68, dated 3rd December 1887 :—

"READ—

Home Department Resolution No. 4559, dated the 5th October 1871.

RESOLUTION.

In the Resolution read above, the rule, that one Department of the Government of India should not engage, either permanently or temporarily, an officer employed under another Department without previously obtaining his services from that Department by

a formal notification in the Gazette, was repeated, but it was at the same time laid down that, when the services of an officer belonging to any of the Civil Departments were required for any temporary work not lasting beyond a month and not involving interference with the duties on which he might be engaged at the time, no formal transfer of his services would be necessary. In that case the proposed appointment could be made at once and intimation of it given at the time to the Department to which the officer belonged.

2. Instances having occurred in which officers subordinate to one Local Government or Administration have been offered employment direct by another Local Government or Administration, the Governor General in Council is pleased to direct that all such offers in future shall invariably be made through the Local Government or Administration, or if the officer concerned is directly subordinate to the Government of India, through the Department of the Government of India to which the officer whose services are required is subordinate. These orders will not apply to cases in which the services of officers are required for short periods not exceeding one month in duration. Such cases will continue to be governed by the ruling contained in paragraph 2 of the Resolution of the 5th October 1871.

ORDER.—Ordered, that a copy of this Resolution with a copy of the Resolution of October 1871 be forwarded to all Local Governments and Administrations for information and guidance;

and that a copy be forwarded to all Departments of the Government of India for information and necessary further action."

RESOLUTION.—Copies of this Resolution, together with copies of the Resolution of the Government of India, Home Department, No. 4559, dated 5th October 1871, referred to therein, should be communicated to all Departments of the Secretariat and to all Heads of Offices under those Departments for information and guidance.

No. 4559.

Extract from the Proceedings of the Government of India in the Home Department (Public), under date Simla, the 5th October 1871.

RESOLUTION.

It has hitherto been the rule that one Department of the Government of India should not engage permanently or temporarily an officer employed under another Department, without previously obtaining his services from that Department by a formal notification in the Gazette. But this procedure is found to be inconvenient and unnecessary in cases of temporary appointments for short periods, when such appointments do not interfere with the regular duties of the officer concerned.

2. It has, therefore, been decided that, in future, when the services of an officer belonging to any of the Civil Departments are required for any temporary work not extending beyond a month, and without interference with the duties on which he may be engaged at the time, no formal transfer of those services shall be necessary; but that the proposed appointment can be made at once, intimation of it being given at the time to the Department to which the officer belongs.

3. These orders are not applicable to officers serving under the Military and Public Works Departments.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Foreign and Financial Departments and the Department of Agriculture, Revenue and Commerce, for information and guidance, with reference to office memorandum thence, No. $\frac{\text{1856 G.}}{\text{3598}}$ / 256, dated $\frac{\text{13th}}{\text{13th}}$ / 9th ultimo.

Ordered, also, that a copy of the above Resolution be forwarded to the Military Department for information, with reference to office memorandum thence, No. 333, dated 11th ultimo.

(True Extract.)

(Signed) E. C. BAYLEY,

Secretary to the Government of India.

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Leave and Appointments: Rules regarding the transfer of officers from one establishment to another, and the acceptance by Government officers, whether on leave or not, of other employment, with the consent of their departmental superiors.

No. 491.

FINANCIAL DEPARTMENT.

Bombay Castle, 17th February 1888.

Resolution of the Government of India, Department of Finance and Commerce, No. 546, dated 31st January 1888 :—

"It has been brought to the notice of the Government of India that officers employed under Government sometimes obtain leave of absence, with the intention of taking up other employment under Government or otherwise, or accept such employment while on leave. Where this is done with the previous knowledge and consent of the officer's departmental superior, the practice is not open to objection. There is reason, however, to believe that, in the absence of any specific directions, officers are apt to consider it unnecessary to obtain the consent of their immediate superiors before accepting employment elsewhere; and as it seems advisable that this practice should be discontinued, the Governor General in Council has prescribed the following rules :—

(1) No Head of an Office should employ, either temporarily or permanently, an officer belonging to another establishment, without the previous consent of the officer on whose establishment he is at the time borne. In cases in which, for reasons which may appear satisfactory to the new employer, such consent cannot be obtained before the officer joins his new appointment, his employment may be made conditional on consent being obtained in due course.

(2) It shall be incumbent upon an officer employed under Government, whether on leave or not, before *accepting* other employment, either to resign his previous appointment or to obtain the consent of his departmental superior to his accepting such employment. If such consent is not obtained, either previously or, when this is not possible, in due course, the officer renders himself liable to be discharged from his previous appointment and thus to lose the benefit of his previous service for pension.

"2. There is nothing in these rules to prevent an officer on one establishment seeking employment on another. But an officer is not placed under any disability by resigning one appointment to take up another (Civil Pension Code, 101, 17); and it must be held to be a breach of discipline, if an officer actually transfers his services to a new employer without first obtaining the consent of his old employer, or definitely resigning his old employment.

"ORDERED, that this Resolution be communicated to the several Local Governments, Administrations, and Heads of Departments for information and guidance.

"ORDERED, also, that the Resolution be published in the *Gazette of India*."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Heads of Offices and Departments for information and guidance.

2. The Resolution has been republished in the *Bombay Government Gazette* of the 9th instant.

Leave and Appointments: Revised orders relating to the acceptance of private employment by Government officers during leave.

No. 2635.

FINANCIAL DEPARTMENT.

Bombay Castle, 6th June 1899.

Resolution of the Government of India, Finance and Commerce Department, No. 2256-P., dated 17th May 1899 :—

"Read—

Resolution by the Government of India in the Finance and Commerce Department, No. 3738, dated 10th July 1888, prohibiting officers in receipt of furlough or leave allowances from taking service under any other employer in India; and, in the case of officers lent to any other employer, from taking leave or obtaining leave allowances unless they actually quit their employment for the period of such leave.

RESOLUTION.—In supersession of the Resolution read in the preamble, the Governor General in Council is pleased to issue the following orders relating to the conditions of acceptance of private employment during leave.

No gazetted officer of Government, who is in receipt of furlough or leave allowance, may, without the special orders of the Government of India, take service under any other employer in India, and no such officer, whose services have been lent to any other employer in India, can take leave or obtain leave allowances from the Government of India, unless he actually quits his employment for the period of such leave. In the case of a non-gazetted officer the previous consent of his departmental superior is sufficient authority for the taking of leave with the object of obtaining such employment and for the acceptance of such employment during leave.

ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations, to the several Departments of the Government of India (except the Public Works Department), to Heads of Departments subordinate to this Department, and to all Accountants General and Comptrollers for information.

Ordered also that a copy of this Resolution be forwarded to the Public Works Department, with reference to the communication from that Department, No. 127-G., dated 4th February 1899.

Ordered also that this Resolution be published in the *Gazette of India*."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and to all Heads of Offices for information with reference to Government Resolution No. 2478, dated 6th August 1888.

2. The Resolution of the Government of India has been republished at pages 838 and 839 of the *Bombay Government Gazette*, Part I, dated 1st June 1899.

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Speculations.

No. 2005.

GENERAL DEPARTMENT.

Bombay Castle, 16th November 1864.

RESOLUTION.—Ordered that the following Circular be issued to the principal Heads of Departments and Offices under this Government and published in the *Government Gazette* for general information:—

In forwarding, for communication to all Officers under your control, the annexed extracts from the Proceedings of Government in 1861 to 1863, portions of which have been already published, the Governor in Council considers it necessary to recall to the recollection of all Departments of the Government service that so recently as the 31st May 1862 the Right Honourable the Secretary of State recorded his decision that although, as a general rule, he saw no objection to the servants of Government holding shares in Joint Stock

Extract (paragraphs 2 to 10) of a Minute by Sir George Clerk, dated 15th November 1861.

Extract (paragraphs 1, 4, 5 and 6) of a Minute by Sir George Clerk, dated 26th December 1861.

Letter from the Government of India, No. 1421, dated 11th March 1862.

Extract from the Proceedings of the Government of India, No. 453, dated 16th January 1863.

Companies having for their object the development of the resources of the country, still it was necessary to impose the restriction that public servants should take no part in the management of such institutions, and should not be employed within the districts where the operations of the Company might be carried on.

Vide Notification of the Government of India, No. 383 of the Home Department, Revenue, dated Fort William, 16th January 1863, republished in *Government Gazette* of Bombay under date February 4th, 1863.

2. The Right Honourable the Secretary of State for India likewise concurred in the view held by Sir George Clerk that supersession in promotion was the proper and practicable course for enforcing the orders of Government in this respect.

3. His Excellency the Governor in Council now desires to point out to all public servants of Government at this particular period, when there is so strong a tendency to speculation in Bombay, the extreme importance of obedience to the spirit of all the previous orders above alluded to, rather than to the mere letter of the law, and to repeat that Government will be guided in its action in accordance with the principles laid down by Sir George Clerk, concurred in by the Government of India and the Right Honourable the Secretary of State.

4. The Governor in Council has no wish to go further than is absolutely necessary in defining, by specific restrictions, limitations easily recognised by that high-toned sense of public duty which has always stood out as one of the strong characteristics of the Indian services. He believes it to be sufficient to remind all public servants of the great importance of avoiding any connection, however remote, with any undertaking which might tend to fetter their action, or divert them from the numerous and important responsibilities imposed by the public service upon them.

5. Without, therefore, attempting to lay down stringent rules on the subject, the Governor in Council would caution every one connected with the Government, or belonging to any Department or office at or near the Presidency, in which the affairs of any Company are likely to form a matter of official reference or discussion, that he will run extreme risk of having his motives misconstrued, more especially during the present period of excitement, should he become a shareholder in any such Company.

6. Where any officer has held shares, under the general permission accorded by Government, previous to his appointment to such an office as has been above described, and he wishes to retain them as an investment, the case is materially altered, and His Excellency in Council confidently leaves such cases to be dealt with according to each officer's sense of the proper course to be followed in the spirit of the instructions now laid down.

GENERAL DEPARTMENT.

Bombay Castle, 11th September 1872.

The following Notification by the Government of India is republished for general information:—

"Public.

Simla, the 28th August 1872.

No. 3421.—The following Despatch from the Right Honourable the Secretary of State for India on the subject of prohibiting public officers from engaging in speculation in India is hereby republished for general information.

As doubt has been expressed regarding the application of the orders contained in the Despatch, the Governor General in Council thinks it right to give notice that he will be prepared to enforce the principle therein laid down in regard to all public servants of whatever class or position; and His Excellency in Council relies on Local Governments, Administrations and Heads of Departments to see that it is not infringed:—

Despatch No. 46, dated 31st May 1862.

I have considered in Council your letter (No. 23), dated 11th March 1862, transmitting your Proceedings, consequent on the accompanying minutes by the Governor and the members of the Government of Bombay on the question of prohibiting public officers from engaging in speculations in India.

2. You will have learned from my Despatch to the Government of Bombay, No. 11, dated the 8th April last, that in connection with the orders of that Government of the 26th November 1861, relative to the case of public officers who might take part in any Company formed for working the gold mines in the Dummul Hills, I stated that 'as a general rule I see no objection to servants of Government holding shares in mining or other Companies having for their object the development of the resources of the country; and the only restriction I think it necessary to impose is that public servants shall take no part in the management of such institutions, and shall not be employed in the districts where the operations of the Company may be carried on.'

3. * * * * * * * I think it important that this condition should be maintained, and I have to direct that my decision, communicated in the terms above quoted to the Government of Bombay, may be made generally applicable, and may be published for general information.

4. There can be no doubt as to the great evil of public servants in India engaging in speculations in the public funds or in the shares of Joint Stock Companies; but I agree in the opinion of Lord Canning that such a practice on the part of any officer could not long escape the knowledge of Government, and that it would be in the power of Government to mark its sense of such conduct either by withholding such promotion, or in any other way it might deem fit.

(Signed) H. L. DAMPIER,
Officiating Secretary to the Government of India."

By order,

E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

Lands.

No. 1739.

REVENUE DEPARTMENT.

Bombay Castle, 25th March 1881.

Resolution of the Government of India in the Home, Revenue and Agricultural Department, Nos. 12—365-831, dated 7th March 1881:—

"Read again—

Home Department Resolution No. 13—467, dated 13th February 1874, on the subject of the holding of land by Government servants in India and of speculative investments by public officers.

Read also—

Despatch to Her Majesty's Secretary of State for India, No. 320 (Financial), dated 28th September 1880.

Despatch from Her Majesty's Secretary of State for India, No. 120 (Railway), dated 30th November 1880.

RESOLUTION.

In the Despatch of 20th September 1880 the Right Honourable the Secretary of State for India was informed that, in the belief that the rule forbidding public officers to act as Directors of a Company does not affect the power of Government

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to appoint a public servant as a Director to watch the public interests, the Government of India had sanctioned the appointment of the Commissioners of Kumaon and Rohilkhand to act as Government Directors of the Bareilly-Ranibagh Light Railway. It was added that the fact of the officers above named being shareholders need not, in the opinion of the Government of India, prevent their appointment to be Government Directors, inasmuch as it seemed improbable that the interests of the Government would conflict with those of the shareholders.

2. The Secretary of State in reply remarks:—

'It may, as you observe, be improbable that the interests of the Government should conflict with those of the shareholders. The interest of both may generally be identical; but nevertheless, as a matter of principle, and without any personal reference or consideration, I concur in the opinions which have been expressed by my predecessors on the subject, and I think it best that, if it is considered advisable for the Commissioners of Kumaon and Rohilkhand to continue as Government Directors, they should divest themselves of all personal interest in the Railway.'

3. The above decision must be treated as a general ruling bearing on the subject, and the Governor General in Council accordingly directs that it be circulated to Local Governments and Administrations for information and future guidance."

RESOLUTION.—Copies to be furnished to all Heads of Offices under the Revenue, Financial and General Departments in continuation of Government memorandum No. 1690, dated 31st March 1874.

2. Copies should also be sent to all other Departments in continuation of Government Resolution No. 609, dated 2nd March 1874, General Department.

Native Civilians.

No. 1198.

GENERAL DEPARTMENT.

Bombay Castle, 3rd April 1882.

Read the following extract from the Proceedings of the Government of India in the Home Department, Public, No. 11—426-37, dated the 14th March 1882:—

Read the under-mentioned papers:—

Letter from the Government of Bengal, No. 3303-J., dated the 15th August 1881.

Circular endorsement to Local Governments and Administrations, No. 49—1597-1605, dated the 4th October 1881.

Letter from the Government of Madras, No. 1573, dated the 21st November 1881.

Letter from the Government of Bombay, No. 3467, dated the 17th October 1881.

Letter from the Government of the North-Western Provinces and Oudh, No. 260, dated the 26th January 1882, and enclosures.

Letter from the Government of the Punjab, No. 4450, dated the 6th December 1881.

Letter from the Chief Commissioner of the Central Provinces, No. 408—205, dated the 4th February 1882.

Letter from the Chief Commissioner of British Burma, No. 569—299-N., dated the 26th October 1881.

Letter from the Chief Commissioner of Coorg, No. 1130—71, dated the 21st October 1881.

Letter from the Chief Commissioner of Assam, No. 5-T., dated the 1st November 1881.

Letter from the Resident at Hyderabad, No. 460, dated the 14th December 1881, and enclosure.

RESOLUTION.

In a letter dated 15th August 1881 the Bengal Government referred, for the consideration of the Government of India, a question which had arisen in connection with an application made by a member of the Native Civil Service for permission to lend money beyond the limits of the district in which he was employed. It was pointed out that the existing legislative provisions prohibiting trading and money-lending in the case of members of the Covenanted Civil Service appeared to apply equally to Natives of India appointed to the Civil Service, under the provisions of 33 Vic., Cap. III, Section 6, and that the particular application made by a member of the Native Civil Service for permission to lend money was accordingly inadmissible. At the same time it was suggested that some relaxation of the existing rule might be desirable in the case of Natives of India appointed to the Civil Service under the provisions of the above Statute, and His Honour the Lieutenant-Governor recommended that a general rule should be issued permitting members of the Native Civil Service to invest money in landed securities, provided that the transaction was negotiated through a respectable firm of Solicitors at the Presidency Town, and that the Commissioner of the Division was informed at the time of the transaction.

2. After a careful consideration of the question, and of the replies received from Local Governments and Administrations whose opinions were invited upon the recommendation made by His Honour the Lieutenant-Governor of Bengal, the Governor General in Council has arrived at the conclusion that, as regards trading and lending or borrowing money, there is no sufficient reason why members of the Native Civil Service should be placed under different rules from Covenanted Civil Servants generally. The rules, therefore, upon these subjects which at present apply to members of the Covenanted Civil Service should be held to apply also to Natives of India appointed to the Civil Service under the provisions of 33 Vic., Cap. III, Section 6.

3. As regards the holding of land the case is different, inasmuch as members of the Native Civil Service do, at the present time, in some cases, hold land in the Provinces in which they are employed, and it appears unnecessary to require them to divest themselves of such land or to prevent them from acquiring additional landed property, provided that certain restrictions are observed. In these respects, the rules at present applicable to members of the Covenanted Civil Service may, in the opinion of the Government of India, properly be relaxed in the case of members of the Native Civil Service, who should be permitted to hold any lands actually in their possession when they enter the service of Government, or which may come into their possession thereafter by inheritance, gift, or devise, provided that full information in respect of such lands is given to the Local Government, which will consider in each case whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh purchase of land should, however, be allowed on the part of a member of the Native Civil Service without the previous sanction of the Local Government under which he is serving.

ORDER.—Ordered, that a copy of this Resolution be forwarded to Local Governments and Administrations for information and guidance;

also to the Foreign Department for information."

RESOLUTION.—Copies of the above Resolution of the Government of India should be communicated to Messrs. Sorabji Padamji Pestonji, Lakshman Gopal Deshmukh, and Ganpatrao Damodar Panse, and to Sheik Jehangir Mian, for information and guidance. Copies should also be forwarded to all Commissioners of Divisions and all Collectors.

Native Civil Servants: Rules as regards trading, money-lending and the holding of land by —:

No. 3000.

GENERAL DEPARTMENT.

Bombay Castle, 7th August 1882.

Letter from the Secretary to the Government of India, Home Department (Public), No. 26-1096, dated 21st July 1882 :—

"In continuation of Home Department Resolution No. 11-426 to 437, dated 17th March 1882, relative to the extent to which the rules as regards trading, money-lending and the holding of land applicable to members of the Covenanted Civil Service should

be held to apply also to Natives of India appointed to the Civil Service under the provisions of 33 Vic., Cap. 3, Section 6, I am directed to forward, for the information of His Excellency the Governor in Council, a copy of a Despatch* from Her Majesty's Secretary of State for India, and with regard to its 2nd paragraph to observe that it will doubtless be understood that only *bona fide* gifts from relatives or near friends are recognized as permissible."

* No. 68, dated 8th June 1882.

Despatch from Her Majesty's Secretary of State for India to His Excellency the Governor General of India in Council (Public), No. 68, dated 8th June 1882

"I have had under my consideration in Council your Despatch No. 17, dated the 4th April, transmitting (along with other papers on the subject), Your Lordship's Resolution of the 17th of March last, as to the extent to which the rules as regards trading, money-lending and the holding of land, at present applicable to members of the Covenanted Civil Service, should be held to apply also to Natives of India appointed to the Civil Service under the provisions of Statute 33 Vic., Cap. III, Section 6.

"2. The conclusions at which Your Excellency in Council has arrived meet with my general approval, some relaxation of the existing rules being probably necessary in the case of members of the Native Civil Service. I would, however, call attention to the word 'gift' as used in your Resolution. The meaning which Your Excellency intended to attach to the word is indicated by the context, which relates to inheritance and devise. But it seems to me that care is necessary in order to prevent its being read in a wider sense than is warranted by the language of the Resolution when properly construed."

RESOLUTION.—Copies of the above letter and of its accompaniment should be forwarded to Messrs. Sorabji Padamji Pestonji, Lakshman Gopal Deshmukh, and Ganpatrao Damodar Panse and to Sheik Jehangir Mian for information and guidance, in continuation of Government Resolution No. 1198, dated 3rd April last. Copies should also be forwarded to the Commissioners of Divisions and in Sind and to all Collectors, including Collectors and Deputy Commissioners in Sind, in continuation of the same Resolution.

Rules regarding members of the Covenanted and Uncovenanted Service taking part in the management of Companies.

No. 4472.

GENERAL DEPARTMENT.

Bombay Castle, 13th November 1882.

Letter from the Secretary to the Government of India, Home Department (Public), No. 45—1688, dated 20th October 1882:—

"With reference to Home Department Notification No. 3421, dated 28th August 1872, I am directed to forward a copy of the correspondence marginally noted, relative to the questions (1) whether an officer who is on furlough is at liberty to undertake the management of a Company, and (2) whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and the Uncovenanted services.

Despatch to Secretary of State, No. 41, dated 8th July 1882.
Despatch from Secretary of State, No. 99, dated 7th September 1882.

"2. I am to request that the rules laid down by Her Majesty's Secretary of State on these questions may be carefully observed by all public officers under your Government."

No. 41, dated Simla, the 8th July 1882.

From—The Government of India;

To—Her Majesty's Secretary of State for India.

In his Despatch No. 46 (Public), dated 31st May 1862, Sir Charles Wood, in replying to a reference made to him by the Government of India on the subject of Government servants holding lands and engaging in speculations in India, observed

that he saw no objection to servants of Government holding shares in mining or other Companies having for their object the development of the resources of the country, and the only restriction which he thought it necessary to impose was that public servants should take no part in the management of such institutions, and should not be employed in the districts where the operations of the Company might be carried on. The orders contained in that Despatch were promulgated for general information in January 1863, and were subsequently (August 1872) republished, with the remark that the Governor General in Council would be prepared to enforce the principle therein laid down in regard to all public servants, of whatever class or position.

2. A question has now been raised whether an officer who is on furlough is at liberty to undertake the management of a Company and whether there is any distinction in this respect between officers belonging to the Covenanted and the Uncovenanted services. We think that no such distinction can be drawn so far as the rules in question are concerned. The Notification issued by the Government of India on the 28th August 1872 distinctly states that the principle of the Despatch cited above of 31st May 1862 applies to "all public servants, of whatever class or position," and the principle is that public servants are to take no part in the management of Companies. We are therefore of opinion that this should be made clear by declaring that the rules apply to the Uncovenanted as well as to the Covenanted service.

3. Regarding the question whether an officer may be allowed while on furlough to assume the management of a Company, we would observe that no specific or authoritative ruling on this point appears to have been given. In Despatch to the Secretary of State No. 3, dated 8th August 1864, the Government of Bombay referred for orders the case of the * * * * * * who, while on furlough in India, became one of the editors of the * * * * newspaper; and in paragraph 8 of that Despatch they expressed the opinion that there was no sufficient reason for excluding any occupations in which Government servants might engage while on furlough within the limits of lawful and respectable employments, excepting those likely to cause engagements extending beyond the duration of the furlough, and those which lead to new relations with Government independent of and liable to be inconsistent with the relations between Government and its paid officers. Applying these principles, which appear to us to be sound, to the case under consideration, the management of a Company may be held to be a "lawful and respectable employment." On the other hand, it is an employment which might not improbably "cause engagements extending beyond the duration of the furlough," and might lead to "new relations with Government independent of and liable to be inconsistent with the relations between Government and its paid officers." Moreover, we consider that an officer taking furlough is not entitled to divest himself entirely of the restrictions and responsibilities under which he rests while on duty. For these reasons, therefore, we are inclined to the opinion that it is undesirable that an officer who is on furlough should undertake the management of a Company. We desire, however, to receive Your Lordship's instructions on the subject, as similar cases have doubtless already been brought to Your Lordship's notice, owing to the fact that most officers while on furlough reside in England and it is desirable that in this matter there should be no divergence between the practice of the Secretary of State and that of the Government of India.

No. 99, dated London, the 7th September 1882.

From—Her Majesty's Secretary of State for India;

To—The Government of India.

I have considered in Council the Despatch of Your Excellency in Council, No. 41, dated 8th of July last, relating to the questions whether an officer who is on furlough is at liberty to undertake the management of a Company, and whether there is any distinction as regards taking part in the management of Companies between officers belonging to the Covenanted and to the Uncovenanted services.

2. I agree with Your Excellency in the opinion that the principle of Sir Charles Wood's Despatch (No. 46, Public) dated 31st May 1862 applies to all public servants of whatever class and position, and that all public servants, whether they be Covenanted or Uncovenanted, are alike prohibited from taking part in the management of Companies.

3. I am also of opinion that this prohibition is none the less applicable to a public servant because he happens to be on furlough, for the fact of an officer's being on furlough does not appear to me substantially to diminish the serious objections which exist to his engaging in the management of a Company.

B 1423—34

RESOLUTION.—Copies of the Government of India's letter and of its accompaniments should be forwarded to all Departments of the Secretariat and to all Heads of Offices under the several Departments of the Secretariat for information and guidance, with reference to Government Circular No. 2005, dated 16th November 1864.

2. The letter from the Government of India and its enclosures were published in the *Bombay Government Gazette* of the 2nd instant.

Rules regarding members of the Covenanted and Uncovenanted Services taking part in the management of Companies.

No. 248.

GENERAL DEPARTMENT.

Bombay Castle, 24th January 1883.

Memorandum from the Government of India, Home Department, No. 1—32, dated 11th January 1883—Forwarding copy of their following letter, No. 30 of the same date, to the Manager of the Alliance Bank of Simla, Limited, together with the letter from the Manager to which it is a reply:—

"In reply to your letter dated 19th ultimo, I am directed to say that the orders prohibiting public servants from taking part in the management of Companies are applicable to the case mentioned by you, and that Uncovenanted officers are accordingly prohibited from becoming members of Bank's Board of Directors."

Dated Simla, the 19th December 1882.

From—JAMES WALKER, Esq., Manager, Alliance Bank of Simla, Limited;

To—The Secretary to the Government of India, Home Department.

I have the honour to enquire if the recent orders of Government, prohibiting public servants from engaging in the management of Companies, apply in the case of an Uncovenanted officer who is a member of a Bank's Board of Directors, a consultative body elected by shareholders to represent them, having no active part in the actual management of the Bank. Soliciting the favour of an early reply.

RESOLUTION.—Copies of the above papers should be forwarded to all Departments of the Secretariat and to all Heads of Offices under the several Departments of the Secretariat for information and guidance in continuation of Government Resolution No. 4472, dated 13th November 1882.

2. The papers should also be published in the *Bombay Government Gazette* for general information.

Companies: Rules regarding members of the Covenanted and Uncovenanted Services taking part in the management of —.

No. 3499.

GENERAL DEPARTMENT.

Bombay Castle, 24th September 1883.

Letter from the Secretary to the Government of India, Home Department (Public), No. 37-1212, dated 6th September 1883:—

"I am directed to forward, for information and guidance, a copy of the correspondence marginally noted with Her Majesty's Secretary of State for India on the subject of the connection of public servants with the management of Co-operative Associations. It will be observed that it has also been decided that the standing orders relating to the connection of Government officers with trading companies do not apply in the case of clerks and other ministerial officers in Government employ."

Despatch to Secretary of State, No 25, dated 24th April 1883.
Despatch from Secretary of State, No. 73, dated 19th July 1883.

No. 25 (Public), dated Simla, the 24th April 1883.

From—The Government of India;

To—Her Majesty's Secretary of State for India.

We have the honour to transmit herewith a copy of a letter from certain tradesmen carrying on business at Simla, representing that a Co-operative Association at that station is managed and directed by Covenanted and Uncovenanted servants of the Government, and praying, with reference to the existing orders of the Government which prohibit public servants from engaging in the management of Companies, that the gentlemen who now take part in the direction and management of the Association may be instructed to withdraw from their connection with it. We also transmit a copy of the documents marginally noted, together with a copy of our orders, dated 11th January 1883 (referred to in the first paragraph of the memorialists' letter), ruling that Uncovenanted officers are prohibited from becoming members of the Board of Direction of any Bank.

1. Memorandum of Association of "The Simla Co-operative Association, Limited."
2. Article of Association of "The Simla Co-operative Association, Limited."

2. It will be seen that the "Memorandum of Association" of the Simla Co-operative Association, Limited, declares that "the objects for which the Company is established are for the purpose of carrying on a general mercantile business and supplying shareholders and season-ticket holders of the Association, and the public if hereafter found desirable, with articles both for consumption and general use, at the lowest possible prices, and the doing all such other things as are incidental or conducive to the attainment of the above object." It further appears that shareholders alone are entitled to participate in the profits of the Association. Under the "Articles of Association" a share cannot be transferred without the consent of the Directors, but on the death of a member his shares are transmissible to his executors or administrators, and on his bankruptcy or insolvency to the persons legally entitled thereto. Directors are not to receive any remuneration unless and until the general body of shareholders at a general meeting decide that such remuneration is to be paid; and in any case the remuneration is not to exceed Rs. 20 a month. A reserve fund may be formed, and no greater dividend than 6 per cent. per annum upon the paid-up capital is to be declared until the reserve fund reaches a sum equal to one-fourth of the capital of the Association.

3 A perusal of the "Memorandum" and "Articles of Association," by which alone can the legal character of the institution be determined, leads us to the conclusion that this Association must at present be held in law to be a trading company in the ordinary sense of that term, though we are informed that it does not, in fact, sell to the general public or to any but registered subscribers.

4. We have reason to believe that similar Associations have been formed elsewhere among Railway employés and others; and we are unwilling to do anything to discourage them so long as they confine their operations to those of mutual supply. It has been suggested that if the Association at Simla modified its constitution by binding itself formally to restrict its operations to those of a mutual supply association, not to sell goods to outsiders, and not at any time to divide among its members profits exceeding a fixed and reasonable rate of interest on the capital advanced, there would be no objection to allowing Government officers to serve on its direction.* This is the view that we are ourselves inclined to take; but as doubts have been raised as to whether the prohibitions contained in Sir C. Wood's Despatch No. 46 of the 31st May 1862, and the other standing orders regarding the connection of Government officers with trading companies are in any case intended to apply to associations of this kind, and are not rather meant to prevent Government officers from interesting themselves in Companies designed to develop the resources of the country, which are necessarily of a more speculative character, it appears to us desirable to ask for an authoritative expression of the views of Your Lordship on the whole subject.

* From a notice issued by the Directors (copy enclosed) we gather that the change indicated is likely to be made.

5. There appear to us to be sufficient grounds for prohibiting public officers from being concerned in the management of any description of Company established for purposes of trade and trade profits, such, for instance, as Banks, in regard to which we recently issued the ruling referred to in paragraph 2 of this Despatch; but, as already intimated, we would not interfere with Co-operative Associations *bonâ fide* conducted as such, which exist only for purposes of mutual supply and not for profit.

6. Another point which has been raised in connection with this case is the question whether the standing orders under consideration apply only to the gazetted officers of Government of the Covenanted and Uncovenanted services, or whether they are to be held applicable in the case of clerks and other ministerial officers in Government employ. We think that, looking to the object which the orders had

in view, their operation may be held to be confined to the case of gazetted officers, and that in the case of ministerial and other subordinates, it is sufficient to see that they give to Government the whole of the time for which they are paid. Government need not ordinarily concern itself with their avocations out of office hours so long as these do not involve them in pecuniary difficulties or disreputable associations; but it should always be at liberty to prohibit such employments for sufficient reason in any particular case.

No. 73 (Public), dated India Office, London, the 19th July 1883.

From—Her Majesty's Secretary of State for India;

To—The Government of India.

I have considered in Council your letter No. 25, dated 24th April last, transmitting, with connected papers, a copy of a letter which has been addressed to you by certain tradesmen carrying on business at Simla, representing that some Covenanted and Uncovenanted servants of Government are engaged in the management and direction of a Co-operative Association, and requesting that they may be directed to withdraw from the Association.

2. Your Lordship considers that the Association as constituted must be held to be a trading company in the ordinary sense of the term. I concur with Your Excellency in this opinion, and think that public servants are precluded under existing orders from taking part in the management of such an Association.

3. You further express the opinion that there would be no objection to Government officers engaging in the direction of the Association if it modified its constitution by formally binding itself to restrict its operations to those of a mutual supply association, and not to sell to any save members of the Association, and not at any time to divide among its members profits exceeding a fixed and reasonable rate of interest on the capital advanced. You are doubtful, however, whether the provisions of Sir Charles Wood's Despatch of the 31st May 1862, and other standing orders on the same subject, would apply to connection with an Association of this nature, and you request an authoritative expression of my views on the subject.

4. The orders referred to were not intended to apply to the participation of Government officers in the direction of those Companies only which are designed to develop the resources of the country, and you have recently very properly ruled that they preclude such officers from taking part in the direction of Banks. But the question of the propriety of allowing public servants to engage in the management of an Association for mutual supply turns on a different principle, that, namely, of the compatibility of a second employment with the due discharge of the public one which the officer holds. And it appears to me that the orders were not intended to apply, and ought not to be applied, to Associations which are *bonâ fide* for the purpose of mutual supply and not of trade and trade profit. Whilst, however, it is not necessary that public servants should be absolutely prohibited from taking part in an Association of this restricted kind, it must be remembered that such extra employment may frequently be prejudicial to the public service on the ground that as a general rule no one can serve two masters; and care should be taken that the interests of the Government do not suffer.

5. I concur with Your Excellency in Council in thinking that the standing orders as to the connection of Government officers with trading companies apply only to gazetted officers of Government of the Covenanted and Uncovenanted services, and do not apply in the case of clerks and other ministerial officers in Government employ. With regard to this class, the supervision of Heads of Departments will, I trust, always suffice as a check; and, moreover, Government can at any time prohibit any extra employment which in its opinion it is undesirable that its servants should undertake.

RESOLUTION.—Copies of the papers should be forwarded to all Departments of the Secretariat and to all Heads of Offices under the several Departments of the Secretariat for information and guidance in continuation of Government Resolution No. 248, dated 24th January 1883.

2. The papers should also be published in the *Bombay Government Gazette* for general information.

Connection of Public Servants with landholding and commercial speculation in India.

No. 893.

GENERAL DEPARTMENT.

Bombay Castle, 14th March 1884.

Resolution of the Government of India, Home Department (Public), No. $\frac{5}{224\text{-}48}$, dated 20th February 1884 :—

"Read the following papers :—

Home Department Resolution dated 14th January 1862.
Ditto ditto dated 16th January 1863.
Ditto ditto dated 13th February 1874.

RESOLUTION.

A case has recently come before the Government of India in which the standing orders regulating the connection of public servants with landholding and commercial speculation in India had been infringed. The Governor General in Council accordingly considers it desirable to call attention to those orders, and directs that the Resolutions cited in the preamble, copies of which are hereto attached, should be re-circulated for the information and guidance of Local Governments and Administrations and officers serving under them.

I.—Resolution of the Governor General in Council and Notification dated the 14th January 1862.

Read the following correspondence on the subject of Government servants holding land in India :—

Revenue Consultation, 20th January 1860, Nos. 1 to 3.
Revenue Consultation, 7th April 1860, Nos. 1 to 5.
Revenue Despatch to Secretary of State, No. 6 of 1860, dated 2nd April.
Revenue Despatch from Secretary of State, No. 36 of 1860, dated 24th July.
Revenue T. S. Proceedings, 31st August 1860, Nos. 52 and 53.
Revenue Proceedings, 25th October 1860, Nos. 46 to 52.
Revenue Despatch to Secretary of State, No. 37 of 1860, dated 25th October.
Revenue Proceedings, 26th October 1860, Nos. 53 to 55.
Revenue Despatch to Secretary of State, No. 38 of 1860, dated 26th October.
Revenue Proceedings, 31st October 1860, Nos. 70 and 71.
Revenue Despatch to Secretary of State, No. 39 of 1860, dated 31st October.
Revenue Proceedings, 8th March 1861, Nos. 1 and 2.
Revenue Despatch to Secretary of State, No. 5 of 1861, dated 8th March.
Revenue Despatch from Secretary of State, No. 22 of 1861, dated 10th August.
Revenue Despatch to Secretary of State, No. 16 of 1861, dated 1st October.
Revenue Despatch from Secretary of State, No. 29, dated 30th November 1861.

RESOLUTION.—In the Despatch No. 22, dated the 10th of August 1861, the Secretary of State lays down rules under which Government servants may hold landed property in India; and prescribes that in the case of Covenanted Civil Servants, the possession by them of such property shall be contingent on its being situated out of the Presidency to which they are attached. This restriction is modified as regards the Presidency of Fort William by the subsequent Despatch of the 30th of November, No. 29, wherein the Secretary of State accords his permission to officers of the Bengal Civil Service attached to the Lower Provinces acquiring and holding lands in the Upper Provinces, including the Punjab and Oudh, and, similarly, to officers attached to the Upper Provinces acquiring and holding lands in the Lower Provinces. In according this permission the Secretary of State requires that officers possessing lands in either Division of the Presidency shall be absolutely precluded from employment under the Local Governments of the Division in which their lands are situated.

B 1423—35.

Resolved, that the following Notification be published in the *Calcutta Gazette* :—

Notification dated the 14*th January* 1862.

The following orders passed by the Right Honourable the Secretary of State in Council on the subject of possession of the landed property in India by public servants are published for general information :—

(1) Extract from the Secretary of State's Despatch No. 22, dated the 10th August 1861.

Paragraph 1. I have had under my consideration in Council Your Excellency's letters dated the 25th, 26th and 31st October 1860 (Nos. 37, 38 and 39) and 8th March (No. 5) 1861, on the subject of the possession of landed property in India by the public servants of the State.

* * * * * * *

4. I have carefully considered in Council the entire subject, and I am now prepared on the part of Her Majesty's Government to lay down the following Rules for your future guidance. I should premise that these Rules refer only to the acquisition or possession of lands intended to be applied to agricultural purposes, and are not to be construed to include lands occupied merely by buildings for residence and their usual appurtenances.

5. Officers of the Covenanted Civil Service are at liberty to acquire and possess lands anywhere out of the Presidency to which they are attached, but are absolutely precluded from holding lands within their own Presidency. Thus an officer of the Bengal Civil Service may hold lands in Madras or Bombay, but cannot be permitted to hold lands in any part of the Bengal Presidency, notwithstanding that at the time of their acquisition he may himself be actually employed in a different Lieutenant-Governorship from that in which the lands may happen to be situated.

6. Regimental military officers may hold lands in any part of India, with the distinct understanding, however, that a military officer possessing land will be disqualified for temporary employment in any civil capacity in the district within which his land is situated; but military officers who are placed in permanent employment in the civil administration must, like the officers of the Covenanted service, be prevented from holding land in the Presidency to any part of which they may be sent.

7. No restrictions are to be placed on the possession or acquisition of lands by Uncovenanted officers of any description, whether of European, Indo-British, or Native descent, beyond those now in force.

8. Officers of all classes (including candidates for office) must, however, be required to make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as you may consider necessary, of which registers should be kept at the seat of Government of each Presidency or Lieutenant-Governorship. Although Uncovenanted officers are not to be precluded from holding land, it may nevertheless be inexpedient that appointments which necessarily confer a considerable amount of power and influence on their occupants, such as those of Sadar Amin, Deputy Collector and Tahsildar, should be filled by persons holding landed property within their jurisdiction; and it is right that the several Governments should always have at hand the information necessary to guide their judgment in selecting individuals for such offices.

9. It will, moreover, be incumbent on the several Local Governments to take care that no officer who may be in possession of landed property in India or elsewhere, to whatever class of the service he may belong, shall apply any portion of the time and attention which ought to be devoted to his public duties, whether civil or military, to the management of that property, and that longer or more frequent leaves of absence are not to be permitted on that account.

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(2) Secretary of State's Despatch No. 29, dated the 30th November 1861.

With reference to the letter from Your Excellency in Council, dated the 1st October last (No. 16), which has been considered by me in Council, I have resolved to accede to your recommendation for a modification of the terms of my Despatch of the 10th August last (No. 22), so far as to permit officers of the Bengal Civil Service

attached to the Lower Provinces to acquire and hold land in the Upper Provinces, including the Punjab and Oudh. Similarly officers attached to the Upper Provinces may be permitted to acquire and hold lands in the Lower Provinces of Bengal. It will, of course, be understood that such officers possessing lands in either Division are absolutely precluded from employment under the Local Governments of the Division in which their lands are situated.

Ordered, that a copy of the foregoing Resolution be sent to the Local Governments noted in the margin, and (No. 259) to the Military Department, and (No. 260) Public Works Department for information, and (No. 261) to the Foreign Department for information and for communication to the Government of the Punjab, the Chief Commissioner of Oudh, the Chief Commissioner of the Central Provinces, the Commissioners of Mysore, Pegu and the Tenasserim Provinces, and to such other officers under the control of the Department as may be deemed necessary.

No. 254, Government of Bengal.
" 255, Government of the North-Western Provinces.
" 256, Government of Fort St. George.
" 257, Government of Bombay.
" 258, Government of the Straits Settlements.

II.—Resolution of the Governor General in Council, and Notification dated the 16th January 1863.

Read the following papers on the subject of Government servants holding lands and engaging in speculations in India :—

Revenue Despatch from Secretary of State, No. 22 of 1861, dated 10th August.

Do. do. do. No. 16 of 1861, dated 1st October.

Do. do. do. No. 29 of 1861, dated 13th November.

Resolution of the Government of India, dated 14th January 1862.

Letter from the Government of Bombay, No. 323, dated 28th January 1862.

Minutes by the Governor General and the Members of Government thereon, recorded on Public Proceedings of the 11th March 1862, Nos. 10 to 13.

Letter to Government of Bombay, No. 1421, dated 11th March 1862.

Public Despatch to Secretary of State, No. 23 of 1862, dated 11th March.

Letter from Secretary to the Landholders' and Commercial Association, dated 31st March 1862, and its enclosed memorial addressed to the Secretary of State, praying that the Covenanted and Military servants of Government may be permitted to purchase and hold lands in India without any restriction.

Revenue Despatch to Secretary of State, No. 9 of 1862, dated 12th April.

Letter from Government of Madras, No. 537, dated 11th March 1862.

Minutes by the Governor General and the Members of Government thereon recorded on Revenue Proceedings of the 8th May 1862, Nos. 2 to 7.

Revenue Despatch to Secretary of State, No. 10 of 1862, dated 8th May.

Public Despatch from Secretary of State, No. 46 of 1862, dated 31st May.

Do. do. do. No. 59 of 1862, dated 18th July.

Revenue Despatch from Secretary of State, No. 22 of 1862, dated 25th November.

RESOLUTION.—In his Despatch No. 46, dated 31st May 1862, the Secretary of State observes that, as a general rule, there is no objection to Government servants holding, under certain restrictions, shares in Mining or other Companies having for their object the development of the resources of the country. In the recent Despatch dated the 25th of November, Sir Charles Wood states that the question raised by the Landholders' and Commercial Association was fully considered when his Despatches No. 22, dated 10th August, and No. 29, dated 30th November 1861, were under preparation, and he sees no reason to modify the instructions conveyed therein. He also communicates instructions on the points submitted by the Government of Madras relative to a Civilian holding shares in a Joint Stock Company formed for agricultural purposes in his own Presidency, and in regard to a Madras Civilian holding land in Mysore, Coorg, Cochin or Travancore; or becoming a shareholder in a Company formed for holding or cultivating land in those territories.

Resolved, that the following Notification be published in the *Calcutta Gazette* :—

Notification dated the 16th January 1863.

The following orders passed by the Right Honourable the Secretary of State for India are published for general information, in continuation of the Notification No. 241, dated 14th January 1862, published in the *Calcutta Gazette* of the 15th idem :—

(1) Extract from the Secretary of State's Public Despatch No. 46, dated the 31st May 1862.

2. You will have learned from my Despatch to the Government of Bombay, dated the 8th April last, No. 11, that, in connection with the orders of that Government of the 26th November 1861, relative to the case of public officers who might take part in any Company formed for working the Gold Mines in the Dummul Hills, I stated that, 'as a general rule, I see no objection to servants of Government holding shares in Mining or other Companies having for their object the development of the resources of the country; and the only restriction I think it necessary to impose is, that public servants shall take no part in the management of such institutions, and shall not be employed in the districts where the operations of the Company may be carried on.'

3. With the exception of the concluding proviso, that no public officer shall be employed in any district where any Company, in which he holds shares, may carry on its operations, the sentiments above-expressed are in accordance with the opinions recorded by Earl Canning and the several Members of your Council; and as I think it important that this condition should be maintained, I have to direct that my decision, communicated in the terms above quoted to the Government of Bombay, may be made generally applicable, and may be published for general information.

4. There can be no doubt as to the great evil of public servants in India engaging in speculations in the public funds, or in the shares of Joint Stock Companies; but I agree in the opinion of Lord Canning that such a practice, on the part of any officer, could not long escape the knowledge of Government, and that it would be in the power of Government to mark its sense of such conduct, either by withholding promotion, or in any other way it might deem fit.

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(2) Extract from the Secretary of State's Revenue Despatch No. 22, dated the 24th November 1862.

3. In your letter of the 8th May (No. 10), you request to be informed whether a Covenanted Civilian may hold shares in a Joint Stock Company formed for agricultural purposes, such as tea or coffee cultivation, in his own Presidency. This question is sufficiently answered in my Public Despatch of the 31st May (No. 46) 1862, which you would have received shortly after the date of your reference.

4. As regards the question whether a Covenanted Madras Civilian may hold land in Mysore, Coorg, Cochin or Travancore, I agree with your Government in viewing with disapproval the holding by Covenanted Civil Servants of lands in Native States; and I consider that the same objection applies to the holding of such lands by military officers in the actual service of the Crown in India.

5. The right of officers, civil or military, to hold shares in the Agricultural Companies operating in Native States may be regulated by the same rules as apply to their holding shares in similar Companies within the British territories.

Ordered, that a copy of the foregoing Resolution be forwarded to the Government of Bombay, with reference to their letter No. 323, dated 28th January 1862, and the reply to it, No. 1421, dated 11th March 1862; to the Government of Madras, with reference to their letter No. 537, daetd 11th March 1862; and to the Governments of Bengal and the North-Western Provinces, as well as the Straits Settlement, and the Military and Public Works Departments for information; and to the Foreign Department for information and for communication to the Government of the Punjab, the Chief Commissioners of Oudh, Central Provinces and British Burma; the Commissioner of Mysore, and to such other officers under the control of that Department as may be deemed necessary.

Ordered also, that a copy of paragraphs 1 and 2 of the Despatch dated the 25th November 1862, No. 22, be forwarded to the Landholders' and Commercial Association, with reference to their Secretary's letter dated the 31st March 1862.

III.—Resolution No. 13—467, *dated Fort William, the* 13*th February* 1874.

Read the subjoined extracts from a correspondence with Her Majesty's Secretary of State for India on the subject of the holding of land by Government servants in India and of other investments :—

Extract paragraphs 3 to 8 of Despatch to the Secretary of State, No. 40, dated the 16th June 1873.

3. The main rule which we propose to alter is that which deals with the holding of land in India by Covenanted Civilians and by Military officers in civil employ. The general rule now is that no such Civil officer may hold land within his own Presidency. The correspondence which has only just ended raised the point whether officers belonging to the Financial Department who are liable to serve in any Presidency or Province are debarred under this rule, or under any other, from holding land anywhere in India beyond their own Presidency. And the reply of the Secretary of State in his Despatch marginally cited* was that the prohibition (imposed by the general rule above quoted) does not apply to districts in which officers of the Financial Department may be temporarily serving outside the limits of the Presidency to which they were originally appointed. By the wording of this reply the ruling which it conveyed applied only to the case of the Financial Department, but the letter† from this Government which submitted the case had pointed out that 'under the literal terms of the rules it is clear that a Bengal Civil Servant may ordinarily acquire any land in British Burma.' And, though the answer from the Secretary of State may be understood to assume that an officer connected with the local administration of a Province outside the limits of his original Presidency is forbidden by the spirit of existing rules from holding land within that Province, yet this important construction is not positively laid down either in the Despatch from the Government of India or in the Secretary of State's reply to it. Practically, and especially in delicate and closely contested cases, a rule is only effective within the range of its literal meaning. And the literal meaning of the general rules which curtail the right of Covenanted and Commissioned Civil officers to acquire land is still only this, that the land must not be within the Presidency to which they were first appointed. Thus an officer who, like an Accountant General, may be sent to serve in any Province or Presidency, or who like a Secretary to the Government of India or Member of the Supreme Government may be officially connected with all Provinces, is only debarred by the haphazard of his first appointment from holding land in one particular Presidency, whether he be actually serving in it or not. Nor is it absolutely certain, according to the letter of the rules (though according to their spirit there may be no doubt), that the present Chief Commissioner and Judicial Commissioner of British Burma, being both Bengal Civilians, are incapable of holding land in that Province, which is separate from the Bengal Presidency.

* No. 74, dated 15th December 1866.

† No. 21, dated 13th July 1866.

4. We have determined that it is expedient to remove these doubts and inconsistencies by amending the rules so as to bring them back into direct correspondence with their original objects and motives. The reasons why certain officers in civil employ were forbidden to hold land in their own Presidency are‡ (1) because their attention might be diverted from public to private business to the detriment of public business; and (2) because they might use (or be suspected of using) their official influence unduly for their own benefit, and to the disadvantage of others in the management of their estates. But these reasons obviously apply with equivalent force wherever an officer holds land and public office in the same Province; wherefore we desire to pass the plain rule that henceforward no officer (Covenanted or Military in civil employ) shall hold land in a Province with the administration of which he is in any manner connected. If this rule is approved, then the aforesaid civil officers will be precluded from taking office which gives any sort of jurisdiction over any part of a Province within which they may hold land, and (conversely) from holding or acquiring land within the territorial limits of the Province in which they may be serving, temporarily or permanently. In fact, they must choose, upon any transfer or fresh appointment which raises the dilemma, between holding office and holding land; they cannot hold both in one Province. But we do not wish to give the new rule retrospective effect, or to make it interfere with the right of civil officers to keep land which they have already acquired under the permission given by preceding regulations; though in the event of promotion to high administrative positions, such officers may be expected to take an early opportunity of conforming to the general rule in force. And it should be here noted that we propose to retain, for the purposes of these rules, the definition of land-holding which was framed by Sir C. Wood,§ whereby it is taken to mean only the acquisition of land intended for cultivation, not of land occupied by buildings for residence. Whether land can be held for commercial speculation is a different question, which we touch upon toward the end of this letter.

‡ See Despatch of Supreme Government to Secretary of State, No. 6, dated 2nd April 1860.

§ Despatch, 10th August 1861.

B 1423—36

5. We are aware that the effect of the broad rule which we have now proposed will be to hamper greatly any safe investment in land in India by officers who are liable to serve in different Presidencies and Provinces. And we admit that it must operate to discourage civil officers generally from making these investments anywhere; for the land must always be held at a considerable distance, and on a precarious tenure, since in these days transfers from one Presidency or Province to another are much less rare than formerly. Nor do we overlook the arguments, often urged heretofore, that there is some actual advantage in associating under due precaution official position with landed interest in the country. But it has long been decided that these considerations are more than counterbalanced by the disadvantages accompanying the possession of land in a Province by officers who belong to its civil administration. This being the case, we feel the necessity of making one plain rule that shall be logical and consistent; and we observe that the extension which we propose to give to the prohibiting rule already in force will only affect comparatively small sections of the whole body of civil officers; that is, it will affect those only who are liable to serve beyond the limits of the Presidency to which they were first appointed, or who may be officially connected with districts beyond those limits. It may, if unreservedly enforced, prevent a member of the Supreme Government from holding any land at all in India; although we do not pledge ourselves to enforce it thus absolutely, or without making special exceptions in cases which are plainly unobjectionable. We propose to bring under the same category with Covenanted Civilians and Military officers in civil employ all persons holding offices ordinarily held by officers of these classes. The amended rule will then run to the effect, that no such civil officer shall acquire, or continue to hold, land in any Province to which he is temporarily or permanently appointed, or with the administration of which he is concerned. And we intend to preserve unchanged all the other rules which have from time to time been passed in restraint of land-holding by different classes of public servants in various situations.

6. In regard to all investments other than those in land for the profits of cultivation, we have adopted and propose to notify the general principle that servants of Government are expected to abstain from any investment (though of itself unobjectionable) which interests them privately in affairs or undertakings of the kind with which their public duty is connected. The principle is well known, and the reasons for it are obvious; but we have latterly found cause for believing that it should be re-asserted distinctly.

7. We have recently been asked to consider the question of speculative investments by public officers, which is on some sides of it cognate to the subject of this letter, but we take it to be on the whole a different matter requiring different treatment. For although we can frame a precise rule demarcating the limits within which land should or should not be held by public servants, and although it is easy to say that a Financial officer must not hold shares in a Bank within his circle, or a Consulting Engineer Railway shares, yet we do not propose to go farther and to attempt any literal definition of the stage at which the holding of land or other valuable property becomes speculative. We need only remark that while land-holding and other investments are under certain conditions forbidden to public servants as a necessary precaution against evils (one of which is speculation) that may possibly follow, habitual speculation by officials is held by us to be an evil in itself. And we have given notice that we reserve to the Government full power to deal stringently with the practice whenever it appears to prevail.

8. We enclose copies of correspondence with the Government of Bengal* upon the advisability of endeavouring to frame a definition of the term which shall include all transactions by a public servant which a Government may properly disapprove. We are of opinion that no such fixed rule of conduct is really needed, either by Government or by their officers, for their guidance in this matter.

* From Bengal, No. 1445 G., dated 30th December 1872.
To Bengal, No. 1195, dated 10th April 1873.

No. 1445 G., dated Calcutta, the 30th December 1872.

From—C. E. Bernard, Esq., Officiating Secretary to the Government of Bengal, Appointment Department;

To—The Officiating Secretary to the Government of India.

Referring to the Notification of the Government of India in the Home Department, dated 28th August 1872, and published at page 814 of the *Gazette of India* of the 31st idem, on the subject of prohibiting public officers from engaging in speculations in India, I am directed to submit that the Notification seems to the Lieutenant-Governor to put Local Governments in a position from which they may fairly ask to be relieved by a more exact definition as to what are the speculations which public officers may, and what they may not, engage in. I am to point out that it is notorious that, since the publication of the Despatch of 1862, very many

officers have engaged in what is commonly termed speculation; that is to say, in the days of the Company mania they applied for allotments in the shares of many Companies, real and bubble; they took shares in tea estates, mines, mills; sometimes they bought and sometimes they sold.

2. The Lieutenant-Governor finds it impossible to draw a line between permanent investments and purchase with a view to re-sale, it being only a question of degree. It can be only said that it was commonly believed that some officers in Calcutta (and, it is believed, still more in Bombay) went into these things to such an extent that they were commonly spoken of in society as much addicted to speculation. Yet His Honour is not aware that action was taken or precise rule laid down. Such times may recur, and isolated cases probably do occur; many servants of Government still hold shares in many undertakings, public and private, and the Lieutenant-Governor does not know what is to be considered a speculation and what not.

3. There are, moreover, certain public officers who also engage in private business, *e.g.*, Law officers, and some as the Administrator General, who apparently have always held themselves entitled publicly to serve as Directors of public Companies.

No. 1495, dated Fort William, the 10th April 1873.

From—A. C. Lyall, Esq., Secretary to the Government of India;

To—The Officiating Secretary to the Government of Bengal, Appointment Department.

I am directed by the Governor General in Council to reply to your letter No. 1445 G., dated 30th December last, desiring some definition of the term 'speculation' for use in applying the rule which prohibits officers from engaging in it.

2. The question here raised by His Honour points evidently to cases which lie beyond those particular dealings which are already prohibited by rule, such as investment in land within the district to which an officer belongs, connection with the management of any Bank or business, and other transactions barred by specific order. His Honour now inquires whether the Supreme Government would lay any formal restriction upon speculative investments generally so as to regulate precisely what an officer may or may not do.

3. I am to reply that His Excellency in Council would not attempt to shape, for public servants, any such fixed rule of conduct in this matter. If it were possible to devise such a rule, the expediency of doing so would be questionable; for His Excellency believes that, in practice, the spirit of existing orders is beyond mistake,—that it never can be really misconceived by officers in the service, and therefore that there can be no practical difficulty about enforcing those orders as they now stand.

4. The Government of India consider that there exists an essential difference between permanent and speculative investments, that the distinction is one of motive, and that the frequency of a man's purchase and sales may be, and usually is, very good evidence of his motive in effecting them. If an officer habitually buys and sells securities of a value notoriously fluctuating, it is clear that he is addicted to speculation, and he thereby undoubtedly lays himself open to the disapproval of Government, which can be expressed in various ways, and in a degree proportionate to the nature of the dereliction. If he engages in such pursuits to an extent which attracts public notice and unfavourable remark, so that his integrity or his application to his public duties is discussed and doubted, then he has given rise to a scandal with which the Government will have to deal.

5. His Excellency believes that these general instructions will be found to govern all the cases to which your letter alludes; and if so, to those cases they may be applied. In regard to officers whose whole time is not at the disposal of Government, they are not in precisely the same category with other public servants. Nevertheless if their behaviour gives rise to scandal, that is, to common rumour that they are in any way making private profit out of the opportunities given by their official position, in that event the Government can of course recognize no difference whatever between these and other servants of the State.

Extract paragraph 4 of Despatch from the Secretary of State, No. 99, dated the 26th August 1873.

I fully approve of the orders which have been issued by Your Excellency in Council on the general question of investments by Covenanted Civilians and Military officers in civil employ.

RESOLUTION.—The Governor General in Council desires that the foregoing extracts be forwarded to the Local Governments and Administrations for information and for circulation to all officers affected by the present orders, or holding a position in which they are likely to be so affected.

2. His Excellency in Council is pleased to determine, in continuation of preceding orders upon the same subject, that Covenanted Civil Servants and Military officers in civil employ, and all persons holding civil offices ordinarily held by Covenanted or Commissioned officers of the two classes aforesaid, are prohibited henceforward from acquiring or holding land within the Province with the administration of which they are concerned, whether that connection be permanent or temporary. This order will not necessarily take retrospective effect.

3. With regard to investments of any kind by public servants, it is hereby notified that the rules and general principles contained in the 6th and 7th paragraphs of the Despatch to the Secretary of State, and in the enclosures to which they refer, will henceforward be acted upon by the Government, and are to be observed by all officers, of every rank and class, in the public service.

Nos. 13—468 to 486.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the several Departments of the Government of India, to the Local Governments and Administrations, to the Superintendent of Port Blair and the Nicobar Islands, and to the Director General of the Archæological Survey of India, for information and guidance."

RESOLUTION.—Copies of the Resolution of the Government of India and of its enclosures should be forwarded to all Departments of the Secretariat and all Heads of Offices under those Departments for information and guidance.

Rule regarding transfer of shares in Joint Stock Companies in the name of the Secretary of State for India.

No. 1183.

FINANCIAL DEPARTMENT.

Bombay Castle, 23rd April 1885.

Resolution of the Government of India, Department of Finance and Commerce, No. 1407, dated 21st March 1885 :—

"The Governor General in Council is pleased to direct that under no circumstances shall shares in any Joint Stock Company be transferred to, or allowed to stand in the name of, the Secretary of State for India in Council except with the express consent of the Governor General in Council.

"Ordered, that this Resolution be communicated to the several Departments of the Government of India, the several Local Governments, the Comptroller General and several Accountants General, and the several Chiefs of Departments administered by the Department of Finance and Commerce."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices for information and guidance.

Government Servants: Orders regarding the connection of — with land-holding and commercial speculation in India.

No. 2135.

GENERAL DEPARTMENT.

Bombay Castle, 9th June 1885.

Letter from the Secretary to the Government of India, Home Department (Public), No. 21—798, dated 13th May 1885:—

"In the course of correspondence with a Local Government it has been brought to the notice of the Government of India that some misapprehension exists as to the precise scope and proper interpretation of the standing orders which regulate the connection of public servants with land-holding and commercial speculation in India. The Governor General in Council accordingly considers it desirable, in continuation of Home Department Resolution Nos. 5—224-246, dated 20th February 1884, to frame for facility of reference on the part of Local Governments and Administrations and officers serving under them, a brief summary of the existing rules, and of the more important interpretations which have been placed upon certain of them by the Government of India with the approval of Her Majesty's Secretary of State.

Acquisition and possession of landed property intended to be applied to agricultural purposes.

"2. Covenanted Civil Servants, Military officers in civil employ, and all persons holding civil offices ordinarily held by Covenanted or Commissioned officers of the two classes above mentioned are prohibited from acquiring or holding land within the Province in which they are employed or with the administration of which they are concerned, whether that connection be permanent or temporary.* This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

* To Secretary of State, No. 40, dated 16th June 1873; from Secretary of State, No. 99, dated 26th August 1873 (embodied in Home Department Resolution No. 13-467, dated 13th February 1874).

"3. Natives of India appointed under the Statutory Rules are permitted to hold any lands actually in their possession when they enter the service of Government, or which may come into their possession thereafter by inheritance, gift† or devise, provided that full information in respect of such lands is given to the Local Government, which will consider in each case whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh purchase of land is, however, allowed on the part of a Statutory Civil Servant without the previous sanction of the Local Government under which he is serving.‡

† *I.e., bonâ fide* gifts from relatives or near friends.

‡ Home Department Resolution Nos. 11—426-37, dated 17th March 1882; and Circular letter Nos. 26—1095-1104, dated 21st July 1882.

(Despatch from Secretary of State, No. 68, dated 8th June 1882.)

"4. Uncovenanted officers exercising independent judicial or revenue functions, whether of European, Eurasian or Native descent, are not debarred from acquiring or possessing landed property in British India for agricultural purposes, provided that they must not hold landed property in the districts in which they are employed. Although Uncovenanted officers are not precluded from holding land, it is inexpedient that appointments which necessarily confer a considerable amount of power and influence on their occupants, such as those of Munsif, Deputy Collector, and Tahsildar, should be filled by persons holding landed property within their jurisdiction.§

§ Despatch from Secretary of State, No. 22, dated 10th August 1861.

"5. Officers of all classes (including candidates for office) must be required to make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as may be considered necessary, of which registers should be kept by the Local Governments concerned. ‖

‖ Despatch from Secretary of State, No. 22, dated 10th August 1861.

"6. It is incumbent on the several Local Governments to take care that no officer who may be in possession of landed property in British India or elsewhere, to whatever branch of the service he may belong, shall apply any portion of the

time and attention which ought to be devoted to his public duties, whether Civil or Military, to the management of that property, and that longer or more frequent leaves of absence are not permitted on that account.*

*Idem.

"7. Civil Servants and Military officers in the actual service of the Crown in India are prohibited from holding lands in a Native State for any purpose whatever. This prohibition does not extend to land occupied merely by buildings for residence and their usual appurtenances.

Acquisition and possession of landed property in Native States for any purpose.

"8. With regard to investments other than those in land for the profits of cultivation, officers in every rank and class of the public service are expected to abstain from any investment (though of itself unobjectionable) which interests them privately in affairs or undertakings of the kind with which their public duty is connected.† Subject to this general proviso, there is no objection to Government servants‡ holding shares in mining or other companies (including agricultural companies) having for their object the development of the resources of the country, provided that they must not take part in the management of any such company, and that they must not be employed in the districts where the operations§ of the company with which they may be connected are carried on.‖ This latter prohibition must be held to apply sometimes with less, sometimes with greater, force to certain officers connected with the central administration, such as Members of the Local Government, Members of the Board of Revenue and their Secretaries; and to indicate the necessity of great circumspection on the part of such officers as to the undertakings with which they become connected in any part of the province in which they are employed.¶

Investments other than those in land for the profits of cultivation.

† Paragraph 6 of Despatch from the Government of India to Secretary of State, No. 10, dated 16th June 1873; Despatch from Secretary of State, No. 99, dated 26th August 1873; and Home Department Resolution No. 13-467, dated 13th February 1874.

‡ The Secretary of State has held (a) that the standing orders as to the connection of Government officers with trading companies apply only to gazetted officers of the Covenanted and Uncovenanted services, and do not apply in the case of clerks and other ministerial officers in Government employ, with regard to whom the supervision of Heads of Departments should suffice as a check.

(a) Despatch No. 73, dated 19th July 1883, paragraph 5.

§ *N.B.*—The right of officers, Civil and Military, to hold shares in agricultural companies operating in Native States is regulated by the same rules as apply to their holding shares in similar companies within British territory.

Despatch from Secretary of State, No. 22, dated the 25th November 1862, paragraph 5.

‖ Despatch from Secretary of State, No. 46, dated 31st May 1862.

¶ To Madras Government, No. 1086, dated 10th July 1884.

"9. In the matter of taking part in the management of a company, it has been decided** that the prohibition was not intended to apply to the participation of Government officers in the direction of those companies only which are designed to develop the resources of the country, but also to preclude such officers from taking part in the direction of such institutions as Banks.†† It has also been held that the prohibition against officers taking part in the management of a company applies‡‡ to public servants on leave equally with those in active service, but that it does not extend§§ to officers, who, with the consent of the Government of India, take service under Railway Companies working under concessions from Government, nor does it apply to the management‖‖ of associations which are established *bonâ fide* for the purpose of mutual supply and not of trade and trade profit (provided in this latter case that the interests of Government do not suffer by the double employment of the officer concerned). Although the prohibition against taking part in the 'management' of a company cannot, taken literally, be held to debar an officer from taking part as a promoter or as one of the applicants for registration in the Memorandum of Association, the Governor General in Council has held that the danger against which the prohibition was aimed, namely, that of official influence being abused or official trust betrayed, is under such circum-

** Despatch from Secretary of State, No. 73, dated 19th July 1883, paragraph 4.

†† Paragraph 4 of Despatch from Secretary of State, No. 73, dated the 19th July 1883.

‡‡ From Secretary of State, No. 99, dated 7th September 1882.

§§ Resolution of the Public Works Department, Nos. 1650-1672 G., dated 14th December 1882.

‖‖ Despatch from Secretary of State, No. 73, dated 19th July 1883.

stances, not much less than if the officer took part in the management after the company has been started. Government servants are therefore distinctly forbidden to take any part in the promotion or registration of companies.

Speculation generally.

"10. It is a standing order that servants of Government are required to abstain from speculative investments, but no literal definition has been laid down as to the stage at which or circumstances under which the holding of land or other valuable property becomes speculative. It is obviously speculative to secure a grant of land supposed to be auriferous with the object of disposing of it hereafter to companies. Habitual speculation by officials has been always held to be an evil; and the Government has reserved* to itself full power to deal stringently with the practice whenever it appears to prevail. The general distinction which exists between permanent and speculative investments is sufficiently described in the extract given in the margin† from Home Department letter to the Government of Bengal, No. 1495, dated 10th April 1873.

* Paragraph 7 of Despatch to Secretary of State, No. 10, dated 16th June 1873.

Despatch from Secretary of State, No. 99, dated 26th August 1873.

† The Government of India consider that there exists an essential difference between permanent and speculative investments; that the distinction is one of motive, and that the frequency of a man's purchases and sales may be, and usually is, very good evidence of his motive in effecting them. If an officer habitually buys and sells securities of a value notoriously fluctuating, it is clear that he is addicted to speculation, and he thereby undoubtedly lays himself open to the disapproval of Government, which can be expressed in various ways, and in a degree proportionate to the nature of the dereliction. If he engages in such pursuits to an extent which attracts public notice and unfavourable remark, so that his integrity or his application to his public duties is discussed and doubted, then he has given rise to a scandal with which the Government will have to deal.

"11. The foregoing paragraphs contain a brief summary of the more important orders which have been issued from time to time on the subject under notice, and the Governor General in Council trusts that they will serve as a useful guide to Local Governments and Administrations and to Officers serving under them. It should, however, be understood that this summary merely embraces the more important orders, and does not profess to be exhaustive."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices under those Departments for information and guidance in continuation of Government Resolution No. 893, dated 14th March 1884.

The holding of land by Covenanted Civil Servants.

No. 3143.

GENERAL DEPARTMENT.

Bombay Castle, 11th October 1887.

Memorandum from the Under Secretary to the Government of India, Home Department, Public, No. 41—2076, dated 12th September 1887—Forwarding for information and guidance the following extract paragraphs 2 and 3 of a Despatch from Her Majesty's Secretary of State for India, No. 18, Public, dated 28th July last:—

"* * * *

"2. In the ninth paragraph of his minute, * * * * raises a question of some importance regarding the interpretation of the orders of the Government prohibiting members of the Civil Service from acquiring or holding lands for agricultural purposes,—the question, namely, whether * * * * * * * 'the interest in land intended to be prohibited is not a mere personal or individual interest, but extends to the acquisition of land for any relative, more particularly sons.'

"3. It is perhaps not quite clear in what sense the words '*for* any relative' in the above paragraph were intended to be used. But, taking them in what appears to me to be their ordinary meaning, I am of opinion that the orders of Government do prohibit the acquisition or holding of land for agricultural purposes by a Covenanted Civil Servant for a son or other relative; but that they do not prohibit the acquisition or holding of land for such purposes by a son or other relative, even

although the land be acquired with money furnished by the Civil Servant, *provided* that the money was given as an absolute gift, and that the Civil Servant has *bonâ fide* no interest whatever, legal or equitable, in the land or its produce."

RESOLUTION.—To be communicated to all members of the Covenanted Civil Service for information and guidance with reference to Section 31 of the Land Revenue Code, and paragraph 2 of preamble of Government Resolution No. 2135, dated 9th June 1885.

2. Copies should also be communicated to all Civil Departments of the Secretariat and to all Heads of Offices under those Departments.

Government Servants : Orders regarding the connection of — with land-holding and commercial speculation in India.

No. 3404.

GENERAL DEPARTMENT.

Bombay Castle, 29th September 1888.

Letter from the Secretary to the Government of India, Home Department (Public), No. 33—2406, dated 11th September 1888 :—

"In paragraph 5 of Home Department Circular letter No. 21—797-806, dated the 13th May 1885, which gives a summary of the existing rules and orders regulating the connection of public servants with land-holding and commercial speculation in India, it was laid down that officers of all classes (including candidates for office) must make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as may be considered necessary, and that registers containing such particulars should be kept by the Local Government concerned.

"In continuation of these orders I am now to say that His Excellency the Governor General in Council is pleased to direct that in future similar particulars must be given of property held by, and managed by, wives of officers or other members of their families living with, and in any way dependent on, them ; and that the management of such property shall be subject to the same restrictions as that of property belonging to themselves."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat, and all Heads of Offices under those Departments, for information and guidance with reference to Government Resolution No. 2135, dated 9th June 1885.

Government Servants : Orders regarding the connection of — with land-holding and commercial speculation in India.

No. 1497.

GENERAL DEPARTMENT.

Bombay Castle, 17th April 1890.

Resolution of the Government of India, Home Department, Public, No. 10-R.—636-46, dated 14th March 1890 :—

"Read Home Department Circular No. 4—399-406, dated the 28th February 1889.
Read also the following replies to that Circular :—

From Government of Madras, No. 581, dated 6th July 1889.
Do. do. Bengal, No. 5 P.—2-6, dated 8th July 1889.
Do. do. do. No. 5 P.—2-12, dated 18th February 1890.
Do. do. the North-Western Provinces and Oudh, No. 320—I.-42, dated 8th March 1889.

From Chief Commissioner, Central Provinces, No. 1783—7, dated 21st March 1889.

Do. do. Burma, No. 68—101-N., dated 3rd April 1889.

Do. do. Assam, No. 1793, dated 22nd March 1889.

Do. do. Coorg, No. 625—477, dated 16th April 1889.

From the Resident at Hyderabad, No. 125-G., dated 29th March 1889.

RESOLUTION.

As it appears from inquiries made from Local Governments and Administrations that the words 'officers of all classes (including candidates for office)' occurring in paragraph 5 of Home Department Circular letter No. 21—797-806, dated the 13th May 1885, are differently interpreted in different Provinces, the Governor General in Council thinks it desirable to remove any doubts as to the scope of the orders contained in that paragraph, and hereby declares that they apply to all officers in superior service."

RESOLUTION.—Copies of the Resolution of the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices under those Departments for information and guidance in continuation of Government Resolution No. 2135, dated 9th June 1885.

Government Servants: Orders regarding the connection of — with landholding and commercial speculation.

No. 2726.

GENERAL DEPARMENT.

Bombay Castle, 10th July 1890.

Letter from the Government of India, Home Department, Public, No. 19 Pub.—1163, dated 14th June 1890:—

"I am directed to say that the Governor General in Council has decided, with the approval of Her Majesty's Secretary of State, that the rule contained in paragraph 3 of Home Department Circular No. 21—797-806, dated 13th May 1885, regarding landholding in India which applies to Statutory Civil Servants shall be extended to Natives of India who enter the Indian Civil Service by competition in England."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to the Revenue, Financial, Political, Judicial and Educational Departments of the Secretariat and to all Heads of Offices under those Departments for information and guidance in continuation of Government Resolution No. 2135, dated 9th June 1885.

Public Servants: Question as to whether — are debarred from serving as Directors or Secretary to the Eurasian and Anglo-Indian Deposit and Loan Society.

No. 4955.

GENERAL DEPARTMENT.

Bombay Castle, 16th December 1890.

Letter from the General Secretary to the Eurasian and Anglo-Indian Association of Western India, dated 7th October 1890—Forwarding copies of the memorandum and Articles of Association of the Eurasian and Anglo-Indian Deposit and Loan Society; enquiring whether Government officials are debarred from serving as Directors or Secretary to the Society under the orders of the Government of India cited in Government Resolution No. 2766, dated 15th July 1889; and requesting that, if so, the Government of India may be moved to exempt the Society from the operation of those orders.

Letter from the Government of India, Home Department, Public, No. 2323, dated 29th November 1890 :—

"I am directed to acknowledge the receipt of your letter No. 4244, dated the 21st October 1890, forwarding for orders a letter from the Secretary to the Eurasian and Anglo-Indian Association of Western India, enquiring whether Government officials are debarred from serving as Directors and Secretary to that Association under the orders of the Secretary of State conveyed in His Lordship's Despatch No. 25, dated the 7th February 1889. If there is any objection the Association requests that the Eurasian and Anglo-Indian Deposit and Loan Society, Limited, may be exempted from the operation of the orders in question.

"2. In reply I am to say that the Governor General in Council sees no objection to public servants taking a part in the direction of the Eurasian and Anglo-Indian Deposit and Loan Society so long as the Government of Bombay is satisfied that the operations of this Society are carried on substantially for the purpose of mutual benefit, and subject to the condition that the public duties of the Government servants engaged in the direction and management of this Society are not interfered with nor their time which should be given to the public service diverted to private business."

RESOLUTION.—Copies of the letter from the Government of India should be forwarded to all Departments of the Secretariat and all Heads of Offices for information.

2. The Secretary, Eurasian and Anglo-Indian Association of Western India, should be informed in terms of paragraph 2 of the letter from the Government of India.

Public Servants: Connection of — with Banks and Public Companies.

No. 2674.

GENERAL DEPARTMENT.

Bombay Castle, 28th July 1891.

Memorandum from the Government of India, Home Department, Public, No. 17-Pub.—1101, dated 26th June 1891—Forwarding for information and guidance in continuation of their letter No. 2323, dated 29th November last, copies of the correspondence noted in the margin on the question of the connection of officers of Government with Banks and public companies.

Despatch from the Government of India, Home Department (Public), No. 13, dated 11th March 1891.
Despatch from the Secretary of State for India, No. 53, Public, dated 11th May 1891.

RESOLUTION.—Copies of the accompaniments to the memorandum from the Government of India should be forwarded to the Judicial Department, the Solicitor to Government and the Coroner of Bombay for information and guidance.

2. Copies should also be forwarded to the other Departments of the Secretariat and all other Heads of Offices in continuation of the Government Resolutions noted in the margin.

No. 3499, dated 24th September 1883.
" 1265, " 25th March 1889, Financial Department.
" 4955, " 16th December 1890.

Despatch from the Government of India, Home Deprtment (Public), No. 13, dated 11th March 1891.

In the Despatch marginally noted, Your Lordship conveyed to us your decision that no officer holding a permanent appointment under Government, whether pensionable or not, should be permitted to serve as a Director of any Bank or public company without previous reference to the Secretary of State for India. We circulated this

To the Government of India, No. 25 (Financial), dated 7th February 1889.

Despatch to the Local Governments and Administrations in June 1889 and asked to be informed of any cases in which officials were serving as Directors of Banks or public companies in contravention of this ruling.

2. We now forward copies of the papers entered in the enclosed list, which show the results of our enquiries.

In Madras, besides Mr. R. B. Michell, Senior Professor of Law in the Presidency College, who was permitted in Your Lordship's Despatch No. 25 (Financial), dated 7th February 1889, to accept the appointment of Director of the Bank of Madras, Mr. E. Barclay, Government Solicitor, Mr. F. Rowlandson, Registrar of the Diocese, and Mr. W. Grant, Crown Prosecutor, are Directors of Companies.

In Bombay, the only case reported is that of Mr. T. Blaney, Coroner of Bombay, who is a Director of three public companies.

The Solicitor to Government at Bombay, though not a Director at present, contends that he is not debarred from serving in this capacity. The Local Government, however, is of opinion that as the Solicitor's duties are closely connected with the general administration, and as his duties as Director of a public company are likely to clash with his duties as a public servant, the prohibition ought to be maintained in this case.

In Bengal, the Secretaries to the Local Government in the Financial and Public Works Departments are *ex-officio* Government Directors of the Darjeeling-Himalayan Railway; Mr. R. L. Upton, Solicitor to Government, is a Director of several Companies; Mr. C. H. Reily, Registrar of the Diocese and in receipt of a retaining fee as Assistant Secretary in the Legislative Department, is a Director of the Calcutta Branch of the Universal Life Assurance Company; Bábu Jogendra Náth Ghose, Demonstrator of Anatomy in the Campbell Medical School, and Bábu Behari Lall Chandra, Special Sub-Registrar of the 24 Parganas, are Directors of the Hindu Family Annuity Fund and the Bengal Christian Family Pension Fund, respectively; several ministerial officers serving in the Pubna, Tipperah, Dacca, Faridpur and Hazaribagh Districts are Directors of Banks, Loan Offices and Carrying Companies in these districts; and two Government Pleaders in the Faridpur and Lohardaga Districts are Directors of the Faridpur Loan Office and the Chutia Nágpur Carrying Company, Limited. The Administrator General has been permitted by us to be a Director of the Bank of Bengal.

In the North-Western Provinces and Oudh, Bápu Nain Sukh, Head Clerk of the Assistant Adjutant General's Office at Meerut, was serving as a Director of the Meerut Bank, but he has, in compliance with our orders, resigned the Directorship.

In the Central Provinces, Bábu Jiwan Chandra Mukerji, Professor of Physics in the Jubbulpore College, who was holding a Directorship on the Board of the Goculdass Cotton Manufacturing Mills at Jubbulpore, was also required to resign the Directorship.

In Burma, there were four officers who were serving as Directors of the Burma Building Association Company, Limited. Their names and the appointments held by them under Government are noted on the margin. One of them, Mr. Dawson, has since died, and the other three gentlemen have of their own accord resigned their positions as Directors of the Association.

Mr. C. F. Ansted, Superintendent, Currency Office.
Mr. P. G. Clague, Superintendent, Comptroller's Office.
Mr. J. Dawson, Superintendent, Public Works, Secretariat.
Mr. W. F. Godfrey, Head Accountant, Public Works Department.

In the Punjab, Assam, Coorg and Hyderabad, no officials are serving as Directors of Banks or public companies.

3. The cases of the Solicitors to Government at Madras and Calcutta, of Messrs. Rowlandson and Reily who are Registrars of the Dioceses of Madras and Calcutta respectively, of Mr. Grant, Crown Prosecutor at Madras, of Dr. Blaney, Coroner of Bombay, and of the Administrator General of Bengal, require Your Lordship's sanction under the orders contained in your Despatch of the 7th February 1889. We think that there is great force in the representations of Messrs. Barclay and Upton that the Solicitors to Government should be permitted to become Directors of Companies, and we have no objection to any of the other officers just mentioned retaining their Directorships. We therefore recommend that sanction should be granted in each case. The Government Pleaders at Faridpur and Lohardaga stand on a similar footing to the Solicitor to Government, and should, in our opinion, also be permitted to retain their Directorships.

4. The orders contained in the 4th paragraph of Lord Kimberley's Despatch No. 73 (Public), dated the 19th July 1883, permit public servants to engage in the management of Associations for the purpose of mutual supply and not of trade and trade profit, provided that such employment is not prejudicial to their work as Government servants. Your Lordship will see that we have received through the Bombay Government a letter from the Eurasian and Anglo-Indian Association of Western India enquiring whether Government officials are debarred from serving as Directors or Secretary to that Association under the orders contained in Your Lordship's Despatch of the 7th February 1889, and requesting that, should this be the case, the Eurasian and Anglo-Indian Deposit and Loan Society, Limited, might be exempted

from the operation of the orders in question. We informed the Bombay Government that we see no objection to public servants taking part in the direction of the Eurasian and Anglo-Indian Deposit and Loan Society, so long as the Local Government is satisfied that the conditions laid down in Lord Kimberley's Despatch are fulfilled. Other Associations of a similar character of which Government servants either are or have recently been Directors are—

The Hindu Family Annuity Fund.

The Bengal Christian Family Pension Fund.

The Services Co-operative Association, Limited, Rangoon.

The Burma Building Association Company, Limited.

We do not feel certain that it may not have been Your Lordship's intention to cancel by the orders of 7th February 1889 the concession made by Lord Kimberley in 1883, and we shall be glad if Your Lordship will inform us whether the views expressed in our Home Secretary's letter of 29th November last to the Government of Bombay are in accordance with your wishes in the matter.

5. In some districts, ministerial officers are Directors of local Banks and Loan Offices. These officials would be eligible to hold Directorships under the 5th paragraph of Lord Kimberley's Despatch of the 19th July 1883, but it seems to us to be doubtful whether these orders are not superseded by the latter ruling of the 7th February 1889. We would, however, recommend that in such cases the orders of July 1883 should be maintained.

Despatch from the Secretary of State for India, No. 53, Public, dated 14th May 1891.

Connection of officers with Banks and other public companies.

I have considered in Council the letter of your Government, No. 13, dated 11th of March last, submitting for orders certain matters relating to the question of the connection of officers of Government with Banks and public companies.

2. In consequence of the instruction contained in the third paragraph of my Despatch (Financial) No. 25, dated 7th of February 1889, Your Excellency in Council caused enquiries to be made in the various Provinces as to what officials were serving as Directors of Banks or public companies; and you now report to me that, as the result of those enquiries, certain officers have relinquished Directorships which they held.

3. As recommended by you in paragraph 3 of your letter, I sanction the retention by certain other officers of the Directorships now held by them, the circumstances in each case being exceptional.

4. With reference to the general question as to the Solicitors to Government at the Presidency towns, I feel that there is force in the representations made by Messrs. Upton and Barclay; and I agree that the Solicitor to Government at Calcutta, the Solicitor to Government at Madras, and the Solicitor to Government at Bombay may be permitted to serve as Directors of Companies, so long as the public service in no way suffers and the interests of the Companies are not antagonistic to those of the Government. The like rule may be applied to Government Pleaders, such as those at Faridpur and Lohardaga, whom you mention, and to Diocesan Registrars, Crown Prosecutors and Coroners.

5. As regards the questions dealt with in the fourth and fifth paragraphs of your letter, my Despatch of the 7th of February 1889 was written with special reference to the appointment of a Director of a Presidency Bank, and it was not my intention to cancel or alter any orders contained in Lord Kimberley's Despatch No. 73, dated 19th July 1883. I accordingly approve the views expressed in your Home Secretary's letter of the 29th of November last to the Government of Bombay.

Instructions issued by the Government of India with a view to prevent officers who may have Government transport animals either in regimental charge or on hire from allowing them to be used for religious processions.

No. 2005.

GENERAL DEPARTMENT.

Bombay Castle, 30th May 1894.

Letter from the Government of India, Home Department, Public, No. 5-Pub.—848, dated 9th May 1894:—

No. 1080-B., dated the 17th April 1894.

"With reference to the accompanying copy of a letter from the Military Department to the address of the Adjutant General in India, desiring the issue of instructions in order to prevent officers who may have Government transport animals in regimental charge or on hire from allowing them to be used in religious processions, I am directed to request that, with the permission of His Excellency the Governor in Council, the attention of Civil officers may be drawn to the matter with a view to a similar rule being observed in the case of elephants of which they may have the use."

RESOLUTION.—Copies of the letter from the Government of India and accompaniment should be forwarded to all Departments of the Secretariat and all Heads of Offices under the Civil Departments of the Secretariat for information and guidance.

No. 1080-B., dated Simla, the 17th April 1894.

From—The Secretary to the Government of India, Military Department;

To—The Adjutant General in India.

Army Regulations, India, Volume V, paragraphs 1976, 1980, 1985, 1989 (clause 3), and 1992.

Under the Regulations quoted in the margin, Army transport animals may be lent for State and private purposes to Civil and Military officers. The Government of India consider it undesirable that these animals should be used for religious processions, and I am accordingly desired to ask that His Excellency the Commander-in-Chief may be moved to issue such instructions as he may consider necessary, with a view to prevent officers who may have Government animals, either in regimental charge or on hire, from allowing them to be used for such a purpose. The Commissary-General-in-Chief will be requested to issue similar instructions to officers of the Commissariat Transport Department regarding animals in charge of that Department.

B 1423—39

No. 368.

POLITICAL DEPARTMENT.

Bombay Castle, 20th January 1891.

CIRCULAR.

Government have lately observed certain unauthorised variations in the uniform adopted by Political officers. Officers entitled to wear political uniform are reminded that the regulations in force are those prescribed by the Foreign Department of the Government of India, and circulated with Government Resolution No. 6125, dated 28th September 1875, to all Political officers A copy of the regulations is attached to this Circular.

W. LEE-WARNER,
Secretary to Government.

MEMORANDUM OF POLITICAL UNIFORMS

I.

FULL DRESS.

Coat.—Blue cloth, with lining of black silk; black velvet collar and cuffs; the coat embroidered in gold according to the pattern of 3rd class English Civil Levee uniform; embroidery to be three inches in width.

Trousers.—Blue cloth, with gold oak lace, two inches wide.

Hat.—Beaver cocked hat, with black silk cockade, black ostrich border feather; double gold bullion loop and plain gold tassel.

Sword.—English pattern, with black scabbard and gilt mountings; sword-knot gold lace with bullion tassel.

Sword Belt.—Silk shoulder, blue cloth frog for sword.

Stock.—White.

Buttons.—Royal Arms, as per English pattern.

UNDRESS (*Morning*).

Coat.—Blue cloth (frock), with black silk lining; black velvet collar and cuffs and gilt buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

Hat.—Helmet, white felt, rim edged with gold, peak and neck-shade braided with gold; white silk puggree with gold fringe, according to sealed pattern.

Trousers.—Blue cloth, or white, according to circumstances, with gold oak-leaf one inch wide, straps, and gilt swan-necked spurs, regulation pattern.

Sword.—Mameluke pattern. Brass scabbard.

Sword Belt.—Sling Russia-leather one inch wide, covered with gold oak-leaf lace.

Forage Cap.—Blue cloth, with gold embroidered peak, and band of gold oak-leaf lace two inches wide round the cap.

EVENING DRESS.

Coat.—Blue cloth evening coat, black lining; velvet collar and cuffs; facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

Trousers.—Plain black cloth.

II.

FULL DRESS.

Coat.—Blue cloth, with black silk lining, black velvet collar and cuffs; the coat embroidered in gold according to the pattern of 5th class English Civil Levee uniform.

Trousers.—Blue cloth, with gold oak-lace one inch wide.

Hat.—Beaver cocked hat, with black silk cockade, black ostrich border feather; double gold bullion loop and plain gold tassel.

Sword.—English pattern, with black scabbard and gilt mountings; sword-knot gold-lace with bullion tassel.

Sword Belt.—Silk shoulder, blue cloth frog for sword.

Stock.—White.

Buttons.—Royal Arms, as per English pattern.

UNDRESS (*Morning*).

Coat.—Blue cloth (frock), with black silk lining; velvet collar and cuffs and gilt buttons with Royal Arms; waistcoat white marsala, single-breasted, with buttons as above.

Hat.—Helmet, white felt, rim edged with gold, with white silk puggree, according to sealed pattern.

Trousers.—Blue cloth, or white, according to circumstances, with gold oak-leaf half inch wide, straps and gilt swan-necked spurs, regulation pattern.

Sword.—Mameluke pattern. Steel scabbard.

Sword Belt.—Sling Russia-leather one inch wide, covered with gold oak-leaf lace.

Forage Cap.—Blue cloth, with gold embroidered peak, and band of gold oak-leaf lace two inches wide round the cap.

EVENING DRESS.

Coat.—Blue cloth evening coat, black lining; velvet collar and cuffs, facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

Trousers.—Plain black cloth.

N.B.—Military Officers can wear their Military uniform if preferred. Military Officers who hold a Political appointment conjoined with a Military appointment will wear their Military uniform.

The helmet may be worn with full dress when the officer is exposed to the sun.

Political Uniforms: Amended list of officers entitled to wear—.

No. 2495.

POLITICAL DEPARTMENT.

Bombay Castle, 17th April 1893.

Circular letter from the Deputy Secretary to the Government of India, Foreign Department, No. 84-G., dated the 17th January 1893—Forwarding, for remarks, a revised list of appointments, the holders of which are entitled to wear the political uniform, and enquiring whether the list, in so far as it affects this Presidency, requires to be altered in respect of the appointments entered in the list.

Letter from ditto ditto, No. 540-G., dated the 30th March 1893—Forwarding, with reference to the correspondence ending with this Department letter No. 1108, dated the 15th February 1893, for the information of this Government, and of the officers concerned, an amended list of appointments, the holders of which are entitled to wear political uniform, which list has been approved by the Governor General in Council.

RESOLUTION.—Copies of the amended list* should be forwarded to the officers concerned for information.

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*Printed as an accompaniment to this Resolution.

(Accompaniment to Government Resolution No. 2495, dated 17th April 1893, Political Department.)

Amended List of Appointments the holders of which are entitled to wear the Political Uniform.

Appointments.	Class.	Remarks.
BOMBAY.		
1. Chief Secretary to Government	i	
2. Secretary to Government in the Political Department ...	i	
3. Commissioners of the Northern, Central, and Southern Divisions	i	
4. Private Secretary to the Governor	i	
5. Agent for Sardars of the Deccan	i	
6. Under Secretary to Government in the Political Department...	ii	
7. Under Secretary to Government resident in Bombay ...	ii	
Goa.		
1. Her Britannic Majesty's Consul at Goa	i	
Sind.		
1. Commissioner in Sind	i	
2. Assistant Commissioner in Sind	ii	
3. Political Agent for the Khairpur State	i	
Aden.		
1. Political Resident at Aden	i	
2. First Assistant Resident and Political Agent, Somali Coast ...	i	
3. All other Assistants to the Political Resident at Aden ...	ii	
Ka'thia'wa'e.		
1. Political Agent in Káthiáwár	i	
2. Judicial Assistant to the Political Agent in Káthiáwár ...	ii	
3. Assistants to the Political Agent in Káthiáwár	ii	
4. President of the Rajasthanik Court	i	
5. Superintendent of Survey under the Rajasthanik Court ...	ii	
Kolha'pur and Southern Mara'tha Country.		
1. Political Agent, Kolhápur and Southern Marátha Country ...	i	
2. Assistant Political Agents, Kolhápur and Southern Marátha Country	ii	
Rewa Ka'ntha and Panch Maha'ls.		
1. Political Agent, Rewa Kántha and Nárukot	i	
2. Assistant Political Agent...	ii	
Cutch.		
1. Political Agent, Cutch	i	
Mahi Ka'ntha.		
1. Political Agent, Mahi Kántha	i	
2. Assistant Political Agent, Mahi Kántha	ii	

Appointments.	Class.	Remarks.
BOMBAY—*continued.*		
PA'LANPUR.		
1. Political Superintendent, Pálanpur	i	
2. Assistant Political Superintendent, Pálanpur	ii	
SA'VANTVA'DI.		
1. Political Superintendent, Sávantvádi...	i	
2. Assistant Political Superintendent	ii	
SURAT.		
1. Agent to the Governor, Surat	i	
2. Administrator, Sachin State	ii	
KHA'NDESH.		
1. Political Agent, Khándesh	i	
2. Assistant Political Agent for the Dángs	ii	
SA'TA'RA.		
1. Political Agent for Aundh and Phaltan	i	
POONA.		
1. Political Agent for Bhor	i	
THA'NA.		
1. Political Agent for Jawhár	i	
KOLA'BA.		
1. Political Agent for Janjira	i	
DHA'RWA'R.		
1. Political Agent for Sávanur	i	
2. Assistant Political Agent...	ii	
NA'SIK.		
1. Political Agent (Surgana)	i	
2. Assistant Political Agent...	ii	
SHOLA'PUR.		
1. Political Agent for Akalkot	i	
KAIRA.		
1. Political Agent for Cámbay	i	

NOTE.—Special Political Agents in charge of 1st Class Native States in Bombay during a minority or management may wear first class uniform and those in charge of 2nd Class States second class uniform.

* * * * *

NOTE.—Nothing in these orders is intended to prohibit the wearing of political uniform by officers not named in the list, who have been accustomed to wear it, in accordance with local practice or long usage.

(Signed) H. M. DURAND,
Secretary to the Government of India, Foreign Department.

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Rules regarding the use of uniform by officers in Civil employ.

No. 2724, dated the 22nd November 1899.

From—The Officiating Secretary to the Government of India, Home Department;

To—The Chief Secretary to the Government of Bombay.

I am directed to inform you that the Governor General in Council has had under consideration the question of the wearing of uniform by officers in the Civil employ of the Government of India and has decided to lay down the rules herewith forwarded. These rules will not apply to officers holding purely political appointments, whose uniform will continue to be regulated by the orders issued in the Foreign Department.

No. 13.

POLITICAL DEPARTMENT.

Bombay Castle, 4th January 1900.

RESOLUTION.—The Rules promulgated by the Government of India should be republished in the *Bombay Government Gazette* for general information and copies should be sent to all Political Agents for information and guidance.

2. Copies of the Rules should also be forwarded to all Departments of the Secretariat for information and guidance, and with a request that they will inform this Department whether they desire to include any heads of Departments under them in the phrase "Heads of the *Principal* Departments" alluded to in Part II (5) of the schedule of offices and appointments, the holders of which are entitled to wear uniform.

3. Copies should also be sent to the Private and the Military Secretaries to His Excellency the Governor, for information.

POLITICAL DEPARTMENT.

Bombay Castle, 6th December 1899.

No. 8306.—The following Notification by the Government of India in the Home Department is republished for general information:—

"PUBLIC.

Calcutta, the 1st December 1899.

No. 2794.—The following Rules regarding the use of uniform by officers in Civil employ are published for general information:—

RULES REGARDING THE USE OF UNIFORM BY OFFICERS IN CIVIL EMPLOY.

These Rules will not apply to officers holding purely Political appointments, whose uniform will continue to be regulated by the orders issued in the Foreign Department.

I.—The uniform to be worn by officers in Civil employ will be that shown in the schedule appended to these Rules.

II.—Civil officers who do not hold purely Political appointments, but merely have some Political work to do in addition to the ordinary duties of their office, are not entitled to wear political uniform.

III.—An officer is not entitled to continue to wear the uniform of an office which he has ceased to hold.

IV.—Military officers in Civil employ will continue to wear uniform under the existing orders (Military Department No. 2504-E., dated the 16th November 1887). But when a Military officer is appointed substantively to any Civil office for which uniform is prescribed, he shall wear the uniform of that office.

V.—An officer appointed temporarily to an office for which a uniform is prescribed need not wear that uniform.

SCHEDULE.

OFFICES AND APPOINTMENTS THE HOLDERS OF WHICH ARE ENTITLED TO WEAR UNIFORM.

PART I.

Offices and appointments under the Government of India.

Offices and Appointments.	Uniform to be worn.
1. Ordinary Members of the Council of the Governor General.	The uniform prescribed for officers of the thi class in the Lord Chamberlain's 'Schedule Civil Uniforms,' page 10 (extract annexed).
2. Secretaries, Deputy Secretaries and Under Secretaries to the Government of India in the following Departments:— Home, Revenue and Agriculture, Finance and Commerce, Public Works, Legislative.	First class uniform as defined in tl 'Memorandum of Political Uniforms attached to Foreign Department Circul No. 540-G., dated the 30th Marc 1893 (copy annexed).
3. Heads of Departments subordinate to the Government of India, viz.— Director-General of Telegraphs, Inspector-General of Forests, Director, Geological Survey, Meteorological Reporter to the Government of India, Comptroller and Auditor General, Director-General of the Post Office, Commissioner, Northern India Salt Revenue.	

PART II.

Heads of Local Governments and Administrations and officers holding appointments subordinate to them.

Offices and appointments.	Uniform to be worn.
1. The Governors of Madras and Bombay ...	The uniform prescribed for officers of the first class in the Lord Chamberlain's 'Schedule of Civil Uniforms,' page 10 (extract annexed).
2. Lieutenant-Governors	The uniform prescribed for officers of the second class in the Lord Chamberlain's 'Schedule of Civil Uniforms,' page 10 (extract annexed).
3. Chief Commissioners of the Central Provinces and Assam.	First class uniform as defined in the 'Memorandum of Political Uniform,' attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).

Offices and appointments.	Uniform to be worn.
4. Ordinary Members of the Councils of the Governors of Madras and Bombay.	The uniform prescribed for officers of the third class in the Lord Chamberlain's 'Schedule of Civil Uniforms,' page 10 (extract annexed).
5. Secretaries. Heads of the principal Departments. Commissioners of Divisions and Revenue Officers superior to them. Private Secretaries to Governors.	First class uniform as defined in the 'Memorandum of Political Uniforms' attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).
6. Private Secretaries to Lieutenant-Governors. Under Secretaries in the Political Department.	Second class uniform as prescribed in the 'Memorandum of Political Uniforms' attached to Foreign Department Circular No. 540-G., dated the 30th March 1893 (copy annexed).

(Signed) A. H. L. FRASER,

Officiating Secretary to the Government of India.

HOME DEPARTMENT:

Dated Calcutta, the 22nd November 1899.

Memorandum of political uniforms attached to Foreign Department Circular No. 540-G., dated the 30th March 1893.

[*See page* 151 *ante.*]

Extract from the Lord Chamberlain's 'Schedule of Civil Uniforms,' page 10.

FULL DRESS.

Coat.—Blue cloth, lined with black silk, black velvet collar and cuffs, gold embroi

	1st Class,	5 inches wide.		
	2nd	„ 4	„	„
Same coat,	*3rd*	„ 3	„	„
both for Full and	*4th*	„ 2	„	„
Undress.	*5th*	„ ⅝ inch		„

Breeches.—White Kerseymere, with covered buttons at the knees.

Stockings.—White silk.

Shoes.—With gilt buckles.

Hat.—*1st Class*—Black beaver cocked hat, black silk cockade, *white* ostrich border feather, treble gold bullion loop, with tessels and hangers.

2nd Class—Same, but with double gold bullion loop, plain gold tassels without hangers.

3rd, 4th and 5th Class.—Same, but with *black* ostrich border feather and plaited gold bullion loop—no tassels.

Sword.—Black scabbard with gilt mountings, the sword knot gold lace bullion tassel.

Sword Belt.—Silk shoulder, with white cloth frog for sword.

Stock.—White.

Buttons.—*1st and 2nd Class*—With supporters.

3rd, 4th and 5th Class—Without supporters.

For the Ambassadors, the Full Dress have the addition of embroidered sleeves, and also the back seams.

UNDRESS.

Coat.—Same width embroidery as Full Dress, but only on collar, cuffs, and pocket flaps.

Trousers.—Blue cloth, with gold oak lace.

1st and 2nd Class, 2½ inches wide.
3rd and 4th „ 2 „ „
5th „ 1 inch „

Boots are worn with undress.

Sword Belt.—Silk shoulder, with blue cloth frog."

Orders regarding the wearing of Political uniform by officers in Civil employ.

Letter No. 3862, dated the 28th May 1900.

From—The Secretary to the Government of Bombay, Political Department;

To—The Secretary to the Government of India, Home Department.

I am directed to advert to the Rules regarding the use of uniform by officers in Civil employ received with your letter No. 2724, dated the 22nd November 1899, and to state that the Governor in Council presumes that under Rule II the nineteen officers noted in the margin, who were entitled under the orders conveyed in Government of India, Foreign Department, letter No. 1108, dated the 15th February 1893, to wear political uniform, will no longer be entitled to wear it.

1. Agent for Sadars in the Deccan.
2. Assistant Commissioner in Sind.
3. Political Agent for the Khairpur State.
4. Political Agent, Rewa Kántha.
5. Assistant Political Agent, Rewa Kántha.
6. Agent to His Excellency the Governor at Surat.
7. Administrator, Sachin State.
8. Political Agent, Khándesh.
9. Assistant Political Agent for the Dángs.
10. Political Agent for Aundh and Phaltan.
11. Political Agent for Bhor.
12. „ Jawhár.
13. „ Janjira.
14. „ Sávanur.
15. Assistant Political Agent for Sávanur.
16. Political Agent for Surgána.
17. Assistant Political Agent for Surgána.
18. Political Agent for Akalkot.
19. „ Cambay.

2. If this presumption is correct, I am directed to say that in the case of three of these officers, viz.—

Agent for the Sardars of the Deccan (who is District Judge of Poona),
Assistant Commissioner in Sind,
Political Agent, Rewa Kántha and Nárukot (who is Collector of Panch Maháls),

the Governor in Council thinks that uniforms should continue to be worn. Though these officers do not hold purely political appointments, they have important political duties to perform, including the receiving and paying of visits to Native Chiefs and the occasional appearance in public Darbars both in British territory and in Native States. They have always hitherto worn uniforms on such occasions, and the Governor in Council thinks that it is advisable that they should continue to do so.

3. I am also to say that the Governor in Council recommends that the Under Secretary to Government, Revenue Department, resident in Bombay, who is excluded by the new Rules from the privilege of wearing uniform, should be entered in Part II, No. 6 of the Schedule attached to the Rules. The resident Under Secretary has, in the absence of Government from Bombay, sometimes to be present on the arrival or departure of Native Chiefs, and it seems to the Governor in Council advisable that he should wear uniform on such occasions.

Letter No. 1880, dated the 20th July 1900.

From—The Deputy Secretary to the Government of India, Home Department (Public);

To—The Secretary to the Government of Bombay, Political Department.

I am directed to acknowledge the receipt of your letter No. 3862, dated the 28th May 1900, in which you inquire whether certain officers, mentioned in paragraph 1 of your letter, who have hitherto been entitled to wear political uniform, should continue to be allowed to wear it in view of Rule II of the Rules regarding the use of uniforms by officers in Civil employ.

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2. In reply I am to say that the Governor in Council is correct in assuming that the officers in question are now debarred from wearing uniform. At the same time the Government of India agree to the proposal of His Excellency that the following officers, who have important political duties to perform, should be required to wear it:—

(i) the Agent for the Sardars of the Deccan;

(ii) the Assistant Commissioner in Sind;

(iii) the Political Agent, Rewa Kántha and Nárukot; and

(iv) the Under Secretary to Government, Revenue Department, resident in Bombay.

No. 5927.

POLITICAL DEPARTMENT.

Bombay Castle, 4th August 1900.

RESOLUTION.—Copies of the above letters should be forwarded to the officers concerned for information and guidance.

2. The orders regarding the wearing of political uniform by the officers mentioned in the list which accompanied Government Resolution No. 2495, dated the 17th April 1893, are hereby cancelled so far as the following officers are concerned:—

The Political Agent for the Khairpur State.
The Assistant Political Agent, Rewa Kántha.
The Agent to His Excellency the Governor at Surat.
The Administrator, Sachin State.
The Political Agent, Khándesh.
The Assistant Political Agent for the Dangs.
The Political Agent for Aundh and Phaltan.
The Political Agent for Bhor.
The Political Agent for Jawhár.
The Political Agent for Janjira.
The Political Agent for Sávanur.
The Assistant Political Agent for Sávanur.
The Political Agent for Surgána.
The Assistant Political Agent for Surgána.
The Political Agent for Akalkot.
The Political Agent for Cambay.

Uniforms: Rules regarding the use of—by officers in Civil employ.

No. 6087.

GENERAL DEPARTMENT.

Bombay Castle, 23rd November 1900.

Resolution of Government in the Political Department, No. 13, dated the 4th January 1900—Communicating to the Departments and officers concerned the letter from the Government of India, No. 2724, dated the 22nd November 1899, and the Rules accompanying it, regarding the wearing of uniform by officers in Civil employ.

Memorandum from the Public Works Department, No. E.—216, dated the 3rd February 1900—Stating, with reference to Government Resolution, Political Department, No. 13, dated the 4th January 1900, that there are no Heads of Departments subordinate to the Public Works Department.

Memorandum from the Educational Department, No. 207, dated the 6th February 1900—Recommending, with reference to paragraph 2 of the above Resolution, that the Director of Public Instruction should be included in the phrase "Heads of *principal* Departments" therein alluded to.

Memorandum from the Ecclesiastical Department, No. 22-G., dated the 7th February 1900. Memorandum from the Marine Department, No. 45-G., dated the 7th February 1900. Memorandum from the Public Works Department (Railway), No. 314, dated the 12th February 1900. Memorandum from the Judicial Department, No. 1191, dated the 15th February 1900. Memorandum from the Revenue and Financial Departments, No. 1635, dated the 10th March 1900.	Stating that they have no recommendations to make with reference to paragraph 2 of the above Resolution.

Memorandum* from the Commissioner in Sind, No. 158, dated the 18th February 1900—Submitting for instruction, with reference to the above Resolution,* a letter from the Political Agent, Khairpur State, No. 1275, dated the 8th February 1900.

Letter from the Government of India, Home Department (Public), No. 509, dated the 24th February 1900:—

"In Part II of the schedule attached to the Rules regarding the use of uniform by officers in Civil employ which were forwarded under cover of Home Department letter No. 2724, dated the 22nd November 1899, it is prescribed that the Heads of the principal Departments under the Local Governments and Administrations should wear first class uniform, as defined in the 'Memorandum of Political Uniforms' attached to Foreign Department Circular No. 540-G.,† dated the 30th March 1893. Questions have been raised as to what officers under the Local Governments and Administrations are to be considered to be Heads of the principal Departments for the above purpose, and I am directed to ask that the Government of India may be informed of the opinion of the Governor in Council in the matter. The object of the Governor General in Council is to secure, as far as possible, that the same practice shall be followed in all Provinces.

"2. I am to add that the Inspector General of Civil Hospitals and the Inspector General of Police (whose Police uniform is prescribed) will wear the uniform of the service to which they belong, and I am to explain that the orders of November last do not apply to Judicial officers."

Memorandum from the Political Department, No. 1939, dated the 13th March 1900—Transferring, for disposal, the above papers and the proceedings underlying Government Resolution in that Department, No. 13, dated the 4th January 1900.

Letter to the Government of India, Home Department (Public), No. 55-M., dated the 11th May 1900:—

"In reply to your letter No. 509, dated the 24th February 1900, in which you inquire the opinion of this Government as to which officers should be considered 'Heads of the principal Departments' for the purposes of the regulations regarding uniforms forwarded with your letter No. 2724, dated 22nd November 1899, I am directed to say that His Excellency the Governor in Council considers that the only officers that need be included in the list are the Commissioner of Customs, Salt, Opium and A'bkári, the Inspector General of Prisons, Registration and Stamps, and (provided that he is required to wear uniform in other Provinces) the Director of Public Instruction. It is presumed that Collectors are not intended by the Government of India to be included in the list, and that the Governor General in Council will himself pass orders on the question whether the Post Master General and the Accountant General, who are not subordinate to this Government, should be required to wear uniform."

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* Disposed of by Government Resolution, Political Department, No. 5927, dated the 4th August 1900.

† *Vide* Government Resolution No. 2495, dated the 17th April 1893.

Letter from the Government of India, Home Department (Public), No. 2630, dated the 29th September 1900 :—

"I am directed to refer to the correspondence ending with your letter No. 55-M., dated the 11th May 1900, upon the subject of the officers who are to be considered as Heads of the principal Departments for the purposes of Part II of the schedule attached to the Rules regarding the use of uniform by officers in Civil employ. I am to say that only the following officers should be regarded as coming within that category and should wear the prescribed uniform :—

The Commissioner of Customs, Salt, Opium and A'bkári.
The Director of Public Instruction.
The Inspector General of Prisons (when not a Military Medical Officer).*
The Accountant General.
The Post Master General."

*When a Military Medical Officer, he will wear the uniform of the service to which he belongs.

Resolution of Government in the Political Department, No. 5927, dated the 4th August 1900.

RESOLUTION.—Copies of the Resolution of Government in the Political Department, No. 13, dated the 4th January 1900, and accompaniment, and of the letter from the Government of India, No. 2630, dated the 29th September 1900, should be forwarded for information and guidance to the officers and Departments concerned.

2. The attention of the Surgeon-General and the Judicial Department should be invited to paragraph 2 of the letter from the Government of India, No. 509, dated the 24th February 1900.